





Out  
Bills

(North counter cupboard)













# LEGISLATIVE ASSEMBLY OF ONTARIO

FIRST, SECOND AND THIRD SESSIONS OF THE  
THIRTIETH PARLIAMENT

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## BILLS

AS INTRODUCED IN THE HOUSE  
TOGETHER WITH  
REPRINTS AND THIRD READINGS

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### SESSIONS

OCTOBER 28th to DECEMBER 18th, 1975

AND

JANUARY 15th and 16th, 1976

AND

MARCH 9th to DECEMBER 16th, 1976



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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Judicature Act**

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THE HON. R. MCMURTRY  
Attorney General

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EXPLANATORY NOTE

The provision dealing with the investment of court funds is amended to correct a reference to *The Financial Administration Act*.



BILL 1

1975

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 109 of *The Judicature Act*, being <sup>s. 109 (5),</sup> amended chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "20" in the third line and inserting in lieu thereof "12".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>ment
3. This Act may be cited as *The Judicature Amendment Act, 1975* <sup>Short title</sup> (2nd Session).

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An Act to amend  
The Judicature Act

*1st Reading*

October 28th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. R. McMURTRY  
Attorney General

*(Government Bill)*

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# BILL 1

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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(*2nd Session*).

**BILL 1**

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An Act to amend  
The Judicature Act

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*1st Reading*

October 28th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

November 20th, 1975

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THE HON. R. McMURRY  
Attorney General

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Highway Traffic Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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#### EXPLANATORY NOTES

SECTION 1 enacts three new sections, i.e., sections *57a*, *57b* and *57c*. The first of the new sections prohibits the operation on a highway of a vehicle of a class prescribed by regulation unless a sticker evidencing compliance with inspection and performance requirements is displayed. A constable or officer may seize the plates of any vehicle not displaying the required sticker. The second of the new sections prohibits the use of a certificate or sticker other than one provided by the Ministry. The third of the new sections authorizes the Lieutenant Governor in Council to make regulations prescribing classes of vehicles affected, inspection and performance standards, validity period for stickers and times for inspections.



## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 57a-57c, enacted

57a.—(1) No person shall operate or permit to be operated on a highway a vehicle of a type or class prescribed by the regulations made under clause *a* of section 57c unless the vehicle displays, affixed in the place and manner prescribed in the regulations, a prescribed device as evidence that the inspection requirements and performance standards prescribed by the regulations have been complied with. Prohibition where evidence of inspection required

(2) Where the prescribed device required by subsection 1 is not displayed as prescribed by the regulations, a constable or officer appointed for the purposes of carrying out the provisions of this Act may seize the number plates of the vehicle. Removal of plates by officer

57b. No person shall issue a safety standards certificate or affix a vehicle inspection sticker except a certificate or sticker provided by the Ministry. Certificates and stickers provided by Ministry

57c. The Lieutenant Governor in Council may make regulations, Regulations re inspection of vehicles

- (a) prescribing the types or classes of vehicles requiring the device mentioned in section 57a;
- (b) prescribing the methods and procedures relating to the use or issue of a device as evidence that the prescribed inspection procedures, inspection requirements and performance standards have been complied with;

- (c) prescribing the period of time for which the device referred to in clause *b* shall be valid and the manner of affixing and displaying the device;
- (d) prescribing the times that vehicles shall be submitted to inspection; and
- (e) defining for purposes of the regulations any word or expression used in the Act or regulations.

s. 58,  
amended

2. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following clauses:

- (f) "vehicle inspection record" means a form required to be completed in accordance with the regulations prior to the issue of a vehicle inspection sticker;
- (g) "vehicle inspection sticker" means the device issued as evidence that the inspection requirements and performance standards referred to in section 57*a* have been complied with.

s. 58*b* (4) (b),  
re-enacted

3. Clause *b* of subsection 4 of section 58*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor:

- (b) to register a commercial motor vehicle, other than a dump truck, that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

s. 58*c*,  
amended

- 4.—(1) Section 58*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:

(1*a*) No person other than a licensee, a motor vehicle inspection mechanic or a person authorized in writing by the licensee shall affix a vehicle inspection sticker to a vehicle.

s. 58*c* (2),  
re-enacted

- (2) Subsection 2 of the said section 58*c* is repealed and the following substituted therefor:

(2) A safety standards certificate in respect of a motor vehicle shall not be issued or a vehicle inspection sticker affixed to a vehicle unless,

- (a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

Prerequisite  
for issue of  
safety  
standards  
certificate  
or affixing  
vehicle  
inspection  
sticker

SECTION 2 is an amendment to section 58 of the Act which is an interpretation section.

SECTION 3. Subsection 3 of section 58*b* of the Act provides that the Ministry shall not issue a permit or number plates to a person applying for a permit in respect of a motor vehicle registered in another jurisdiction unless a safety standard certificate is delivered to the Ministry. Subsection 4 of section 58*b* of the Act exempts a commercial motor vehicle registered in another jurisdiction and owned by a person not residing in Ontario. The proposed amendment has the effect of removing dump trucks from the exempted commercial motor vehicles class.

SECTION 4. Subsection 1 is self-explanatory.

Subsection 2. Subsection 2 of section 58*c* of the Act presently provides that a safety standards certificate shall not be issued unless the vehicle has been inspected by a mechanic in an inspection station and the certificate is made by the mechanic who inspected the vehicle and countersigned by the operator of the inspection station or under his authority.

The new subsection as proposed expands the provision to prohibit the affixing of a vehicle inspection sticker to a vehicle unless the vehicle has been inspected by a mechanic in an inspection station and a vehicle inspection record is made by the mechanic who inspected the vehicle and countersigned by the operator of the inspection station or under his authority.

SECTION 5. Section 58d (8) (c) at present reads as follows:

(8) *The Director may revoke or refuse to renew a motor vehicle inspection station licence where,*

*(c) the licensee or any motor vehicle inspection station mechanic employed in the motor vehicle inspection station has misrepresented the condition of a motor vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the motor vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate.*

The word "motor" where underlined above has been deleted in the new clause c and the words "sign a vehicle inspection record or affix a vehicle inspection sticker" have been added. By removing the word "motor" the clause is made to apply to trailers as well as to motor vehicles. The word "station" where underlined has been deleted.

SECTION 6.—Subsection 1. Section 58e (1) at present reads as follows:

*(1) No person shall certify in a safety standards certificate that a motor vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2.*

The word "motor" where underlined above is deleted in the new version so that the subsection shall apply to trailers as well as motor vehicles. The words "sign a vehicle inspection record as mechanic or" are added immediately after "No person shall".

Subsection 2. A new subsection is being added to section 58e of the Act which is self-explanatory.

SECTION 7.—Subsection 1. Section 58m of the Act authorizes the Lieutenant Governor in Council to make regulations in respect of the matters set out therein.

Section 58m (b) at present reads as follows:

*(b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate.*

Subsection 2. Section 58m (f) at present reads as follows:

*(f) classifying motor vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 58 to 58m.*

The underlined word "motor" is being deleted so that the clause will apply to trailers as well as motor vehicles.

(b) the safety standards certificate or a vehicle inspection record,

(i) is made by the motor vehicle inspection mechanic who inspected the vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

5. Clause *c* of subsection 8 of section 58*d* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*d* (8) (c),  
re-enacted

(c) the licensee or any motor vehicle inspection mechanic employed in the motor vehicle inspection station has misrepresented the condition of a vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate, sign a vehicle inspection record or affix a vehicle inspection sticker.

6.—(1) Subsection 1 of section 58*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*e* (1),  
re-enacted

(1) No person shall sign a vehicle inspection record as mechanic or certify in a safety standards certificate that a vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2. Motor  
vehicle  
inspection  
mechanic

(2) The said section 58*e* is amended by adding thereto the following subsection: s. 58*e*,  
amended

(2*a*) The registration of a motor vehicle inspection mechanic expires with the licence of the motor vehicle inspection station to which the mechanic is registered. Expiration  
of  
registration

7.—(1) Clause *b* of section 58*m* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding at the end thereof "or a vehicle inspection sticker". s. 58*m* (b),  
amended

(2) Clause *f* of the said section 58*m* is amended by striking out "motor" where it occurs the first time in the first line. s. 58*m* (f),  
amended

s. 58m (h),  
re-enacted

- (3) Clause *h* of the said section 58m is repealed and the following substituted therefor:

(h) prescribing the amount that shall be paid to the Ministry for forms of safety standards certificates and vehicle inspection stickers.

s. 58m (n),  
re-enacted

- (4) Clause *n* of the said section 58m is repealed and the following substituted therefor:

(n) requiring and governing the return to the Ministry of unused forms of safety standards certificates, vehicle inspection records and vehicle inspection stickers and providing for refunds of amounts paid for such forms of certificates and stickers.

s. 68 (2a),  
re-enacted

8. Subsection 2a of section 68 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 45, section 23, is repealed and the following substituted therefor:

Regulations

(2a) The Lieutenant Governor in Council may make regulations prescribing,

(a) the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways or prescribed classes or types thereof; and

(b) prescribing classes of vehicles and classes or types of highways.

s. 81 (2),  
amended

9. Subsection 2 of section 81 of the said Act is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

Commence-  
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*.

Subsection 3. Section 58m (h) at present reads as follows:

*(h) requiring that safety standards certificates shall be issued only in the form provided by the Ministry and prescribing the amount that shall be paid to the Ministry for forms of such certificates.*

The requirement that certificates and stickers shall be in the form provided by the Ministry is now provided for in the new section 57b of the Act. The clause as proposed provides for fees to be prescribed for vehicle inspection stickers as well as safety standards certificates.

Subsection 4. Section 58m (n) at present reads as follows:

*(n) requiring and governing the return to the Ministry of unused forms of safety standards certificates and providing for refunds of amounts paid for such forms of certificates.*

The clause is being expanded to include vehicle inspection records and stickers.

SECTION 8. Subsection 2a of section 68 of the Act authorizes the Lieutenant Governor in Council to make regulations in respect of the covering and securing of loads in commercial vehicles as well as prescribing classes of vehicles. The new subsection 2a is expanded to authorize the Lieutenant Governor in Council to prescribe classes or types of highways in respect of which the regulation would apply.

SECTION 9. Section 81 (2) at present reads as follows:

*(2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1976.*

Part VI of the Act deals with weight, load and size.







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An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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**BILL 2**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Highway Traffic Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

57a.—(1) No person shall operate or permit to be operated on a highway a vehicle of a type or class prescribed by the regulations made under clause *a* of section 57c unless the vehicle displays, affixed in the place and manner prescribed in the regulations, a prescribed device as evidence that the inspection requirements and performance standards prescribed by the regulations have been complied with.

Prohibition where evidence of inspection required

(2) Where the prescribed device required by subsection 1 is not displayed as prescribed by the regulations, a constable or officer appointed for the purposes of carrying out the provisions of this Act may seize the number plates of the vehicle.

Removal of plates by officer

57b. No person shall issue a safety standards certificate or affix a vehicle inspection sticker except a certificate or sticker provided by the Ministry.

Certificates and stickers provided by Ministry

57c. The Lieutenant Governor in Council may make regulations,

Regulations re inspection of vehicles

- (a) prescribing the types or classes of vehicles requiring the device mentioned in section 57a;
- (b) prescribing the methods and procedures relating to the use or issue of a device as evidence that the prescribed inspection procedures, inspection requirements and performance standards have been complied with;

- (c) prescribing the period of time for which the device referred to in clause *b* shall be valid and the manner of affixing and displaying the device;
- (d) prescribing the times that vehicles shall be submitted to inspection; and
- (e) defining for purposes of the regulations any word or expression used in the Act or regulations.

s. 58,  
amended

2. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following clauses:

- (f) "vehicle inspection record" means a form required to be completed in accordance with the regulations prior to the issue of a vehicle inspection sticker;
- (g) "vehicle inspection sticker" means the device issued as evidence that the inspection requirements and performance standards referred to in section 57*a* have been complied with.

s. 58*b* (4) (b),  
re-enacted

3. Clause *b* of subsection 4 of section 58*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor:

- (b) to register a commercial motor vehicle, other than a dump truck, that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

s. 58*c*,  
amended

- 4.—(1) Section 58*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:

(1*a*) No person other than a licensee, a motor vehicle inspection mechanic or a person authorized in writing by the licensee shall affix a vehicle inspection sticker to a vehicle.

Affixing  
vehicle  
inspection  
sticker

s. 58*c* (2),  
re-enacted

- (2) Subsection 2 of the said section 58*c* is repealed and the following substituted therefor:

(2) A safety standards certificate in respect of a motor vehicle shall not be issued or a vehicle inspection sticker affixed to a vehicle unless,

Prerequisite  
for issue of  
safety  
standards  
certificate  
or affixing  
vehicle  
inspection  
sticker

- (a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

(b) the safety standards certificate or a vehicle inspection record,

(i) is made by the motor vehicle inspection mechanic who inspected the vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

5. Clause *c* of subsection 8 of section 58*d* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*d* (8) (c),  
re-enacted

(c) the licensee or any motor vehicle inspection mechanic employed in the motor vehicle inspection station has misrepresented the condition of a vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate, sign a vehicle inspection record or affix a vehicle inspection sticker.

6.—(1) Subsection 1 of section 58*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*e* (1),  
re-enacted

(1) No person shall sign a vehicle inspection record as mechanic or certify in a safety standards certificate that a vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2. Motor  
vehicle  
inspection  
mechanic

(2) The said section 58*e* is amended by adding thereto the following subsection: s. 58*e*,  
amended

(2*a*) The registration of a motor vehicle inspection mechanic expires with the licence of the motor vehicle inspection station to which the mechanic is registered. Expiration  
of  
registration

7.—(1) Clause *b* of section 58*m* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding at the end thereof “or a vehicle inspection sticker”. s. 58*m* (b),  
amended

(2) Clause *f* of the said section 58*m* is amended by striking out “motor” where it occurs the first time in the first line. s. 58*m* (f),  
amended

s. 58m (h),  
re-enacted

(3) Clause *h* of the said section 58m is repealed and the following substituted therefor:

(h) prescribing the amount that shall be paid to the Ministry for forms of safety standards certificates and vehicle inspection stickers.

s. 58m (n),  
re-enacted

(4) Clause *n* of the said section 58m is repealed and the following substituted therefor:

(n) requiring and governing the return to the Ministry of unused forms of safety standards certificates, vehicle inspection records and vehicle inspection stickers and providing for refunds of amounts paid for such forms of certificates and stickers.

s. 68 (2a),  
re-enacted

8. Subsection 2a of section 68 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 45, section 23, is repealed and the following substituted therefor:

Regulations

(2a) The Lieutenant Governor in Council may make regulations prescribing,

(a) the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways or prescribed classes or types thereof; and

(b) prescribing classes of vehicles and classes or types of highways.

s. 81 (2),  
amended

9. Subsection 2 of section 81 of the said Act is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

Commence-  
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*.





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An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Public Commercial Vehicles Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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## EXPLANATORY NOTES

SECTION 1. The Act presently provides that the Minister may, without a certificate issued by the Board, issue a licence for transportation, other than by a tank truck vehicle, of certain material such as sand, gravel, salt, etc. This provision is deleted to the effect that the Minister can issue an operating licence only in accordance with a certificate issued by the Board.

SECTION 2.—Subsection 1. Clause *a* of subsection 1 of section 5 of the Act is repealed by section 1 of the Bill and accordingly the reference to it is removed from section 6 of the Act.

Subsection 2. Subsection 2 of section 6 of the Act provides that the Board may, in a certificate issued by it, prescribe terms and conditions or approve the conferring by licence of special or limited rights. The proposed amendment makes this authority subject to the new subsection 3 of section 6.

Subsection 3 provides that where the Board issues a certificate approving the conferring of a licence in respect of the transportation of materials like sand, gravel, salt, etc., the approval will refer to prescribed regions and to the maximum number of vehicles which may be operated. The approval shall not restrict the operation to the transportation of materials of specific consignors or consignees. Authority is given to the Board to issue temporary licences.

Subsection 1 of section 5 of the Act gave the Minister the authority to issue licences without Board approval to transport certain specified materials. This authority is being repealed by section 1 of the Bill. The new subsection 6 of section 6 of the Act would preserve the authority in the Minister to issue the licence without Board approval to an applicant who has been licensed to transport the specified materials and applies no later than June 30th, 1976. The new subsection 7 of section 6 of the Act limits the number of vehicles which may be licensed by the Minister under subsection 6. The new subsection 8 of section 6 of the Act provides that in specified circumstances the Board may determine the number of vehicles which may be licensed and sets out the factors that the Board shall consider.

**An Act to amend  
The Public Commercial Vehicles Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:
  - (1) The Minister may issue an operating licence in accordance with a certificate of public necessity and convenience issued by the Board under section 6. s. 5 (1),  
re-enacted  
Operating  
licence,  
issue
- 2.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "Except under clause *a* of subsection 1 of section 5" in the first and second lines. s. 6 (1),  
amended
  - (2) Subsection 2 of the said section 6 is amended by adding at the commencement thereof "Subject to subsection 3". s. 6 (2),  
amended
  - (3) The said section 6 is amended by adding thereto the following subsections: s. 6,  
amended
    - (3) The Board shall, in a certificate issued by it under this section pertaining to the transportation, other than by a tank truck vehicle, of, Issue of  
certificate  
of approval  
referring to  
region of  
operation  
and number  
of vehicles
      - (a) sand, gravel, earth, crushed or uncut rock and stone, slag and rubble; and
      - (b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites,

having regard to the requirements of public necessity and convenience,

(c) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,

(i) a region or regions as prescribed by the regulations hereunder and not otherwise geographically, and

(ii) the maximum number of vehicles which may be operated; and

(d) shall not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

Temporary  
operating  
licence

(4) The Board may, in a certificate issued by it under subsection 3, having regard to the requirements of public necessity and convenience, approve the issue of a temporary licence for a period not to exceed six months.

Expiry of  
existing  
licences

(5) An operating licence for the transportation of materials specified in subsection 3 that is in force immediately before the coming into force of this subsection in so far as it pertains to those materials expires with the 31st day of March, 1976.

Transitional

(6) The Minister may issue an operating licence for the transportation only of materials specified in subsection 3 within one of the prescribed regions of the applicant's choice without a certificate from the Board to an applicant who held an operating licence on March 31st, 1976, which authorized him to transport such materials, provided the application is made no later than June 30th, 1976.

Maximum  
number  
of  
vehicles  
licensed

(7) An operating licence issued pursuant to subsection 6 shall state the maximum number of vehicles which may be operated thereunder, the number to be no more than,

(a) the maximum number of vehicles licensed to the applicant under this Act exclusively for the transportation of materials specified in subsection 3 at any one time in the twelve month period ended October 31st, 1975; and

(b) such number of vehicles as the Board may determine.



SECTION 3. Certificates of mechanical fitness are being replaced with safety standard certificates. Provision is made for the Lieutenant Governor in Council to prescribe regions within which an operating licence may be limited.



(8) The determination by the Board referred to in clause *b* of subsection 7 shall be made upon application to the Board and the Board shall base its decision upon the number of vehicles licensed under this Act to the applicant for the transportation of both materials specified in subsection 3 and other goods and materials, which vehicles were used by the applicant for the purpose of transporting materials specified in subsection 3 in the twelve month period ended October 31st, 1975. Determination by Board

3.—(1) Clause *e* of section 18 of the said Act is amended by striking out “certificate of mechanical fitness” in the second line and in the fifth line and inserting in lieu thereof in each instance “safety standards certificate”. s. 18 (e), amended

(2) The said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 13, is further amended by adding thereto the following clause: s. 18, amended

(s) prescribing regions within the boundaries of which goods may be transported by public commercial vehicles pursuant to an operating licence.

4. This Act comes into force on the 1st day of January, 1976. Commencement

5. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1975 (2nd Session)*. Short title

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An Act to amend  
The Public Commercial  
Vehicles Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Public Commercial Vehicles Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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*(Reprinted as amended by the Committee of the Whole House)*

### EXPLANATORY NOTES

SECTION 1. The Act presently provides that the Minister may, without a certificate issued by the Board, issue a licence for transportation, other than by a tank truck vehicle, of certain material such as sand, gravel, salt, etc. This provision is deleted to the effect that the Minister can issue an operating licence only in accordance with a certificate issued by the Board.

SECTION 2.—Subsection 1. Clause *a* of subsection 1 of section 5 of the Act is repealed by section 1 of the Bill and accordingly the reference to it is removed from section 6 of the Act.

Subsection 2. Subsection 2 of section 6 of the Act provides that the Board may, in a certificate issued by it, prescribe terms and conditions or approve the conferring by licence of special or limited rights. The proposed amendment makes this authority subject to the new subsection 3 of section 6.

Subsection 3 provides that where the Board issues a certificate approving the conferring of a licence in respect of the transportation of materials like sand, gravel, salt, etc., the approval will refer to prescribed regions and to the maximum number of vehicles which may be operated. The approval shall not restrict the operation to the transportation of materials of specific consignors or consignees. Authority is given to the Board to approve the issue of temporary licences.

Subsection 1 of section 5 of the Act gave the Minister the authority to issue licences without Board approval to transport certain specified materials. This authority is being repealed by section 1 of the Bill. The new subsection 6 of section 6 of the Act would preserve the authority in the Minister to issue the licence without Board approval to an applicant who has been licensed to transport the specified materials and applies no later than June 30th, 1976. The new subsection 7 of section 6 of the Act limits the number of vehicles which may be licensed by the Minister under subsection 6. The new subsection 8 of section 6 of the Act provides that in specified circumstances the Board may determine the number of vehicles which may be licensed and sets out the factors that the Board shall consider.

**An Act to amend  
The Public Commercial Vehicles Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

(1) The Minister may issue an operating licence in accordance with a certificate of public necessity and convenience issued by the Board under section 6. s. 5 (1),  
re-enacted  
Operating  
licence,  
issue

- 2.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "Except under clause a of subsection 1 of section 5" in the first and second lines. s. 6 (1),  
amended

(2) Subsection 2 of the said section 6 is amended by adding at the commencement thereof "Subject to subsection 3". s. 6 (2),  
amended

(3) The said section 6 is amended by adding thereto the following subsections: s. 6,  
amended

(3) The Board shall, in a certificate issued by it under this section pertaining to the transportation, other than by a tank truck vehicle, of, Issue of  
certificate  
of approval  
referring to  
region of  
operation  
and number  
of vehicles

(a) sand, gravel, earth, crushed or uncut rock and stone, asphalt mixes, slag and rubble; and

(b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites,

having regard to the requirements of public necessity and convenience,

(c) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,

(i) a region or regions as prescribed by the regulations hereunder and not otherwise geographically, and

(ii) the maximum number of vehicles which may be operated; and

(d) shall not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

Temporary  
operating  
licence

(4) The Board may, in a certificate issued by it under subsection 3, having regard to the requirements of public necessity and convenience, approve the issue of a temporary licence for a period not to exceed six months.

Expiry of  
existing  
licences

(5) An operating licence for the transportation of materials specified in subsection 3 that is in force immediately before the coming into force of this subsection in so far as it pertains to those materials expires with the 31st day of March, 1976.

Transitional

(6) The Minister may issue an operating licence for the transportation only of materials specified in subsection 3 within one of the prescribed regions of the applicant's choice without a certificate from the Board to an applicant who held an operating licence on March 31st, 1976, which authorized him to transport such materials, provided the application is made no later than June 30th, 1976.

Maximum  
number  
of  
vehicles  
licensed

(7) An operating licence issued pursuant to subsection 6 shall state the maximum number of vehicles which may be operated thereunder, the number to be no more than,

(a) the maximum number of vehicles licensed to the applicant under this Act exclusively for the transportation of materials specified in subsection 3 at any one time in the twelve month period ended October 31st, 1975; and

(b) such number of vehicles as the Board may determine.



SECTION 3. Certificates of mechanical fitness are being replaced with safety standard certificates. Provision is made for the Lieutenant Governor in Council to prescribe regions within which an operating licence may be limited.



(8) The determination by the Board referred to in clause *b* of subsection 7 shall be made upon application to the Board and the Board shall base its decision upon the number of vehicles licensed under this Act to the applicant for the transportation of both materials specified in subsection 3 and other goods and materials, which vehicles were used by the applicant for the purpose of transporting materials specified in subsection 3 in the twelve month period ended October 31st, 1975. Determination by Board

3.—(1) Clause *e* of section 18 of the said Act is amended by striking out “certificate of mechanical fitness” in the second line and in the fifth line and inserting in lieu thereof in each instance “safety standards certificate”. s. 18 (e), amended

(2) The said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 13, is further amended by adding thereto the following clause: s. 18, amended

(s) prescribing regions within the boundaries of which goods may be transported by public commercial vehicles pursuant to an operating licence.

4. This Act comes into force on the 1st day of January, 1976. Commencement

5. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1975 (2nd Session)*. Short title

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An Act to amend  
The Public Commercial  
Vehicles Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 3**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Public Commercial Vehicles Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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BILL 3

1975

## An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:
  - (1) The Minister may issue an operating licence in accordance with a certificate of public necessity and convenience issued by the Board under section 6. s. 5 (1),  
re-enacted  
Operating  
licence,  
issue
- 2.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "Except under clause *a* of subsection 1 of section 5" in the first and second lines. s. 6 (1),  
amended
  - (2) Subsection 2 of the said section 6 is amended by adding at the commencement thereof "Subject to subsection 3". s. 6 (2),  
amended
  - (3) The said section 6 is amended by adding thereto the following subsections: s. 6,  
amended
    - (3) The Board shall, in a certificate issued by it under this section pertaining to the transportation, other than by a tank truck vehicle, of Issue of  
certificate  
of approval  
referring to  
region of  
operation  
and number  
of vehicles
      - (a) sand, gravel, earth, crushed or uncut rock and stone, asphalt mixes, slag and rubble; and
      - (b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites,

having regard to the requirements of public necessity and convenience,

(c) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,

(i) a region or regions as prescribed by the regulations hereunder and not otherwise geographically, and

(ii) the maximum number of vehicles which may be operated; and

(d) shall not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

Temporary  
operating  
licence

(4) The Board may, in a certificate issued by it under subsection 3, having regard to the requirements of public necessity and convenience, approve the issue of a temporary licence for a period not to exceed six months.

Expiry of  
existing  
licences

(5) An operating licence for the transportation of materials specified in subsection 3 that is in force immediately before the coming into force of this subsection in so far as it pertains to those materials expires with the 31st day of March, 1976.

Transitional

(6) The Minister may issue an operating licence for the transportation only of materials specified in subsection 3 within one of the prescribed regions of the applicant's choice without a certificate from the Board to an applicant who held an operating licence on March 31st, 1976, which authorized him to transport such materials, provided the application is made no later than June 30th, 1976.

Maximum  
number  
of  
vehicles  
licensed

(7) An operating licence issued pursuant to subsection 6 shall state the maximum number of vehicles which may be operated thereunder, the number to be no more than,

(a) the maximum number of vehicles licensed to the applicant under this Act exclusively for the transportation of materials specified in subsection 3 at any one time in the twelve month period ended October 31st, 1975; and

(b) such number of vehicles as the Board may determine.

(8) The determination by the Board referred to in clause *b* of subsection 7 shall be made upon application to the Board and the Board shall base its decision upon the number of vehicles licensed under this Act to the applicant for the transportation of both materials specified in subsection 3 and other goods and materials, which vehicles were used by the applicant for the purpose of transporting materials specified in subsection 3 in the twelve month period ended October 31st, 1975. Determination by Board

- 3.—(1) Clause *e* of section 18 of the said Act is amended by striking out “certificate of mechanical fitness” in the second line and in the fifth line and inserting in lieu thereof in each instance “safety standards certificate”. s. 18 (e), amended
- (2) The said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 13, is further amended by adding thereto the following clause: s. 18, amended
- (s) prescribing regions within the boundaries of which goods may be transported by public commercial vehicles pursuant to an operating licence.
4. This Act comes into force on the 1st day of January, 1976. Commencement
5. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1975 (2nd Session)*. Short title







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An Act to amend  
The Public Commercial  
Vehicles Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Ontario Energy Board Act**

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THE HON. D. TIMBRELL  
Minister of Energy

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#### EXPLANATORY NOTES

Section 1 expands the definition of gas by the inclusion of the terms "substitute natural gas" and "synthetic gas".

Section 2 inserts a new Part I-A into the Act containing sections 37b to 37i inclusive.

Section 37c provides for the submission of plans for the allocation of gas by gas distributors to the Ontario Energy Board and for procedures for approval by the Board and amendment of plans, and requiring distributors to file information with the Board and, following approval of the plan, to supply gas to their consumers in accordance with the approved plan.

Under section 37d, the Board may, after a hearing, direct a distributor to make gas available to another distributor on terms and conditions, including compensation.

Section 37e requires distributors and consumers to comply with orders of the Board, notwithstanding section 25 of the Act (prohibiting the discontinuance of gas supply without the leave of the Board) and section 55 of *The Public Utilities Act* (requiring utilities to provide service to properties adjacent to pipelines) and any contracts between distributors and consumers. The section exempts distributors from actions or liability for acts or omissions in respect of the supply of gas authorized by this Part, the regulations or an order of the Board.

Section 37f prohibits the purchase of gas except from distributors.

Section 37g is self-explanatory.

Section 37h prevents the suspension of orders made under this Part pending appeals or applications for judicial review.

Under section 37i, the Lieutenant Governor in Council may make regulations prescribing systems of priorities for the supply of gas to be adhered to by distributors, subject to allocation plans approved by orders of the Board and may make regulations respecting any matter necessary or advisable to provide for circumstances where gas distributors cannot supply the requirements of consumers because of supply limitations so as to carry out effectively the intent and purpose of this Part of the Act.

BILL 4

1975

**An Act to amend  
The Ontario Energy Board Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 6 of section 1 of *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 6,  
re-enacted

6. "gas" means natural gas, substitute natural gas, synthetic gas, manufactured gas, propane-air gas or any mixture of any of them.

2. The said Act is amended by adding thereto the following Part: Part I-A,  
(ss. 37b-37i),  
enacted

PART I-A

GAS PRIORITIES AND ALLOCATION

37b. In this Part,

Interpre-  
tation

(a) "consumer" includes a distributor who purchases all or part of his supply of gas from another distributor;

(b) "distributor" means a person who supplies gas to a consumer.

37c.—(1) Where an allocation plan governing a distributor is approved by the Board, the distributor shall supply gas only in accordance with the allocation plan.

Distributor  
to comply  
with  
approved  
allocation  
plan

(2) Every distributor, at such times as may be prescribed by the regulations, shall file with the Board,

Filing by  
distributor

(a) an estimate of the quantity of gas that will be available to the distributor to supply the requirements of its consumers for gas; and

- (b) the distributor's proposed plan for the allocation of the gas referred to in clause a,

for such periods of time as may be prescribed by the regulations.

Approval  
of  
allocation  
plan

(3) The Board shall consider the proposed allocation plan filed by a distributor together with any objection or submission filed with respect thereto and shall by order approve the plan with or without such modifications or additions thereto as the Board shall determine.

Amendment  
of approved  
allocation  
plan

(4) The Board, subject to the same procedures as nearly as possible as apply to the approval of proposed allocation plans, may by order amend an approved allocation plan on its own motion upon notice to the distributor governed by the approved allocation plan or on the application of the distributor governed by the approved allocation plan.

Board may  
order  
assistance  
to  
distributor

37d. Upon application, the Board may, after a hearing, direct a distributor to make available to another distributor such amount of gas, or any class thereof, and by such means, including sale, loan or otherwise, and on such terms and conditions, including compensation, and to be used by the receiving distributor in such manner, as may be determined by the Board.

Compliance  
with  
regulation,  
etc.

R.S.O. 1970,  
c. 390

37e. Notwithstanding section 25 of this Act and section 55 of *The Public Utilities Act*,

- (a) every distributor affected by a regulation, an order of the Board or an allocation plan approved under this Part, and every consumer affected by an order of the Board, shall comply therewith in accordance with its terms notwithstanding anything in any contract between a distributor and a consumer; and
- (b) no action shall be brought against a distributor and a distributor shall not be liable for an act or omission in respect of the supply of gas or the failure to supply gas in so far as such act or omission is authorized, permitted or required by this Part, the regulations, an order of the Board or an allocation plan approved by the Board under this Part.

Prohibition

37f.—(1) Subject to subsection 2 and the regulations, no person, except a distributor, shall use gas in Ontario that has not been acquired from a distributor.

(2) Subsection 1 does not apply to the operator of a pipeline as defined in the *National Energy Board Act* (Canada). Exception  
R.S.C. 1970,  
c. N-6

37g. Except as provided in section 37d, subsections 3 and 4 of section 15 do not apply to any order or proceedings under this Part. Application  
of s. 15 (3, 4)

37h. Every order made under this Part takes effect at the time prescribed in the order and the operation of the order is not suspended by an appeal or an application under *The Judicial Review Procedure Act, 1971*. Order to take  
effect  
notwith-  
standing  
appeal  
1971, c. 48

37i.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing a system or systems of priorities that, subject to any order of the Board and any allocation plan approved by the Board, shall be complied with by distributors in the supply of gas to consumers;
- (b) prescribing times and periods of time for the purposes of subsection 2 of section 37c;
- (c) specifying principles, criteria or factors that shall be followed by distributors in formulating and implementing allocation plans;
- (d) prescribing additional information and material to be contained in an allocation plan, or to be supplied in support of the plan;
- (e) prescribing the form in which an allocation plan shall be prepared and filed;
- (f) prescribing the procedures for notification to consumers and classes of consumers affected by a proposed plan and for inspection of the plan;
- (g) prescribing the procedures for the filing of objections or submissions in respect of any allocation plan with the Board and for the inspection of such objections or submissions;
- (h) prescribing the procedures for the implementation of approved allocation plans by distributors;
- (i) respecting the manner in which notice of allocation plans, proposed or approved, shall be given to the public;

(j) respecting any other matter necessary or advisable to provide for situations in which the supply of gas available for use in Ontario is not sufficient to supply all of the requirements of consumers of gas in Ontario so as to carry out effectively the intent and purpose of this Part.

Idem

(2) A regulation made under this Part may be general or particular in its application and may apply to any class of distributors, to any class of gas and to any class of consumers.

Commence-  
ment

**3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**4.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1975 (2nd Session)*.





An Act to amend  
The Ontario Energy Board Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. D. TIMBRELL  
Minister of Energy

---

*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Ontario Energy Board Act**

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THE HON. D. TIMBRELL  
Minister of Energy

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

Section 1 expands the definition of gas by the inclusion of the terms "substitute natural gas" and "synthetic gas".

Section 2 inserts a new Part I-A into the Act containing sections 37*b* to 37*h* inclusive.

Section 37*c* provides for the submission of plans for the allocation of gas by gas distributors to the Ontario Energy Board and for procedures for approval by the Board and amendment of plans, and requiring distributors to file information with the Board and, following approval of the plan, to supply gas to their consumers in accordance with the approved plan.

Under section 37*d*, the Board may, after a hearing, direct a distributor to make gas available to another distributor on terms and conditions, including compensation.

Section 37*e* requires distributors and consumers to comply with orders of the Board, notwithstanding section 25 of the Act (prohibiting the discontinuance of gas supply without the leave of the Board) and section 55 of *The Public Utilities Act* (requiring utilities to provide service to properties adjacent to pipelines) and any contracts between distributors and consumers. The section exempts distributors from actions or liability for acts or omissions in respect of the supply of gas authorized by this Part, the regulations or an order of the Board.

Section 37*f* prohibits the purchase of gas except from distributors.

Section 37*g* prevents the suspension of orders made under this Part pending appeals or applications for judicial review.

Under section 37*h*, the Lieutenant Governor in Council may make regulations prescribing systems of priorities for the supply of gas to be adhered to by distributors, subject to allocation plans approved by orders of the Board and may make regulations respecting any matter necessary or advisable to provide for circumstances where gas distributors cannot supply the requirements of consumers because of supply limitations so as to carry out effectively the intent and purpose of this Part of the Act.

BILL 4

1975

**An Act to amend  
The Ontario Energy Board Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 6 of section 1 of *The Ontario Energy Board Act*, s. 1, par. 6, being chapter 312 of the Revised Statutes of Ontario, 1970, re-enacted is repealed and the following substituted therefor:

6. "gas" means natural gas, substitute natural gas, synthetic gas, manufactured gas, propane-air gas or any mixture of any of them.

2. The said Act is amended by adding thereto the following Part: Part I-A, (ss. 37b-37i), enacted

PART I-A

GAS PRIORITIES AND ALLOCATION

37b. In this Part,

Interpre-  
tation

(a) "consumer" includes a distributor who purchases all or part of his supply of gas from another distributor;

(b) "distributor" means a person who supplies gas to a consumer.

37c.—(1) Where an allocation plan governing a distributor is approved by the Board, the distributor shall supply gas only in accordance with the allocation plan. Distributor to comply with approved allocation plan

(2) Every distributor, at such times as may be prescribed by the regulations, shall file with the Board, Filing by distributor

(a) an estimate of the quantity of gas that will be available to the distributor to supply the requirements of its consumers for gas; and

- (b) the distributor's proposed plan for the allocation of the gas referred to in clause a,

for such periods of time as may be prescribed by the regulations.

Approval  
of  
allocation  
plan

(3) The Board shall consider the proposed allocation plan filed by a distributor together with any objection or submission filed with respect thereto and shall by order approve the plan with or without such modifications or additions thereto as the Board shall determine.

Amendment  
of approved  
allocation  
plan

(4) The Board, subject to the same procedures as nearly as possible as apply to the approval of proposed allocation plans, may by order amend an approved allocation plan on its own motion upon notice to the distributor governed by the approved allocation plan or on the application of the distributor governed by the approved allocation plan.

Board may  
order  
assistance  
to  
distributor

37d. Upon application, the Board may, after a hearing, direct a distributor to make available to another distributor such amount of gas, or any class thereof, and by such means, including sale, loan or otherwise, and on such terms and conditions, including compensation, and to be used by the receiving distributor in such manner, as may be determined by the Board.

Compliance  
with  
regulation,  
etc.  
R.S.O. 1970,  
c. 390

37e. Notwithstanding section 25 of this Act and section 55 of *The Public Utilities Act*,

- (a) every distributor affected by a regulation, an order of the Board or an allocation plan approved under this Part, and every consumer affected by an order of the Board, shall comply therewith in accordance with its terms notwithstanding anything in any contract between a distributor and a consumer; and
- (b) no action shall be brought against a distributor and a distributor shall not be liable for an act or omission in respect of the supply of gas or the failure to supply gas in so far as such act or omission is authorized, permitted or required by this Part, the regulations, an order of the Board or an allocation plan approved by the Board under this Part.

Prohibition

37f.—(1) Subject to subsection 2 and the regulations, no person, except a distributor, shall use gas in Ontario that has not been acquired from a distributor.

(2) Subsection 1 does not apply to the operator of a pipeline as defined in the *National Energy Board Act* (Canada). Exception  
R.S.C. 1970,  
c. N-6

37g. Every order made under this Part takes effect at the time prescribed in the order and the operation of the order is not suspended by an appeal or an application under *The Judicial Review Procedure Act, 1971*. Order to take  
effect  
notwith-  
standing  
appeal  
1971, c. 48

37h.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing a system or systems of priorities that, subject to any order of the Board and any allocation plan approved by the Board, shall be complied with by distributors in the supply of gas to consumers;
- (b) prescribing times and periods of time for the purposes of subsection 2 of section 37c;
- (c) specifying principles, criteria or factors that shall be followed by distributors in formulating and implementing allocation plans;
- (d) prescribing additional information and material to be contained in an allocation plan, or to be supplied in support of the plan;
- (e) prescribing the form in which an allocation plan shall be prepared and filed;
- (f) prescribing the procedures for notification to consumers and classes of consumers affected by a proposed plan and for inspection of the plan;
- (g) prescribing the procedures for the filing of objections or submissions in respect of any allocation plan with the Board and for the inspection of such objections or submissions;
- (h) prescribing the procedures for the implementation of approved allocation plans by distributors;
- (i) respecting the manner in which notice of allocation plans, proposed or approved, shall be given to the public;
- (j) respecting any other matter necessary or advisable to provide for situations in which the supply of gas available for use in Ontario is not sufficient to supply

all of the requirements of consumers of gas in Ontario so as to carry out effectively the intent and purpose of this Part.

Idem

(2) A regulation made under this Part may be general or particular in its application and may apply to any class of distributors, to any class of gas and to any class of consumers.

Commence-  
ment

**3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**4.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1975 (2nd Session)*.





An Act to amend  
The Ontario Energy Board Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

---

THE HON. D. TIMBRELL  
Minister of Energy

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 4**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Ontario Energy Board Act**

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THE HON. D. TIMBRELL  
Minister of Energy

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BILL 4

1975

## An Act to amend The Ontario Energy Board Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 6 of section 1 of *The Ontario Energy Board Act*, s. 1, par. 6, re-enacted being chapter 312 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

6. "gas" means natural gas, substitute natural gas, synthetic gas, manufactured gas, propane-air gas or any mixture of any of them.

2. The said Act is amended by adding thereto the following Part: Part I-A, (ss. 37b-37i), enacted

### PART I-A

#### GAS PRIORITIES AND ALLOCATION

37b. In this Part,

Interpre-  
tation

- (a) "consumer" includes a distributor who purchases all or part of his supply of gas from another distributor;

- (b) "distributor" means a person who supplies gas to a consumer.

37c.—(1) Where an allocation plan governing a distributor is approved by the Board, the distributor shall supply gas only in accordance with the allocation plan. Distributor to comply with approved allocation plan

(2) Every distributor, at such times as may be prescribed by the regulations, shall file with the Board, Filing by distributor

- (a) an estimate of the quantity of gas that will be available to the distributor to supply the requirements of its consumers for gas; and

- (b) the distributor's proposed plan for the allocation of the gas referred to in clause a,

for such periods of time as may be prescribed by the regulations.

Approval  
of  
allocation  
plan

(3) The Board shall consider the proposed allocation plan filed by a distributor together with any objection or submission filed with respect thereto and shall by order approve the plan with or without such modifications or additions thereto as the Board shall determine.

Amendment  
of approved  
allocation  
plan

(4) The Board, subject to the same procedures as nearly as possible as apply to the approval of proposed allocation plans, may by order amend an approved allocation plan on its own motion upon notice to the distributor governed by the approved allocation plan or on the application of the distributor governed by the approved allocation plan.

Board may  
order  
assistance  
to  
distributor

37d. Upon application, the Board may, after a hearing, direct a distributor to make available to another distributor such amount of gas, or any class thereof, and by such means, including sale, loan or otherwise, and on such terms and conditions, including compensation, and to be used by the receiving distributor in such manner, as may be determined by the Board.

Compliance  
with  
regulation,  
etc.  
R.S.O. 1970,  
c. 390

37e. Notwithstanding section 25 of this Act and section 55 of *The Public Utilities Act*,

- (a) every distributor affected by a regulation, an order of the Board or an allocation plan approved under this Part, and every consumer affected by an order of the Board, shall comply therewith in accordance with its terms notwithstanding anything in any contract between a distributor and a consumer; and
- (b) no action shall be brought against a distributor and a distributor shall not be liable for an act or omission in respect of the supply of gas or the failure to supply gas in so far as such act or omission is authorized, permitted or required by this Part, the regulations, an order of the Board or an allocation plan approved by the Board under this Part.

Prohibition

37f.—(1) Subject to subsection 2 and the regulations, no person, except a distributor, shall use gas in Ontario that has not been acquired from a distributor.

(2) Subsection 1 does not apply to the operator of a pipeline as defined in the *National Energy Board Act* (Canada). Exception  
R.S.C. 1970,  
c. N-6

37g. Every order made under this Part takes effect at the time prescribed in the order and the operation of the order is not suspended by an appeal or an application under *The Judicial Review Procedure Act, 1971*. Order to take  
effect  
notwith-  
standing  
appeal  
1971, c. 48

37h.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing a system or systems of priorities that, subject to any order of the Board and any allocation plan approved by the Board, shall be complied with by distributors in the supply of gas to consumers;
- (b) prescribing times and periods of time for the purposes of subsection 2 of section 37c;
- (c) specifying principles, criteria or factors that shall be followed by distributors in formulating and implementing allocation plans;
- (d) prescribing additional information and material to be contained in an allocation plan, or to be supplied in support of the plan;
- (e) prescribing the form in which an allocation plan shall be prepared and filed;
- (f) prescribing the procedures for notification to consumers and classes of consumers affected by a proposed plan and for inspection of the plan;
- (g) prescribing the procedures for the filing of objections or submissions in respect of any allocation plan with the Board and for the inspection of such objections or submissions;
- (h) prescribing the procedures for the implementation of approved allocation plans by distributors;
- (i) respecting the manner in which notice of allocation plans, proposed or approved, shall be given to the public;
- (j) respecting any other matter necessary or advisable to provide for situations in which the supply of gas available for use in Ontario is not sufficient to supply

all of the requirements of consumers of gas in Ontario so as to carry out effectively the intent and purpose of this Part.

Idem

(2) A regulation made under this Part may be general or particular in its application and may apply to any class of distributors, to any class of gas and to any class of consumers.

Commence-  
ment

**3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**4.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1975 (2nd Session)*.





An Act to amend  
The Ontario Energy Board Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

December 9th, 1975

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THE HON. D. TIMBRELL  
Minister of Energy

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to regulate Holiday Closings  
for Retail Businesses**

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THE HON. J. MACBETH  
Solicitor General

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#### EXPLANATORY NOTE

The Bill establishes certain holidays on which retail business establishments shall be closed.

The exceptions include small grocery stores, milk stores, news and tobacco stands, drug stores, antique shops, flower shops, service stations and others. Also excepted are those things permitted by the *Lord's Day Act* (Canada) and *The Lord's Day (Ontario) Act*.

Municipalities may by by-law make exceptions where necessary for the tourist industry.

## An Act to regulate Holiday Closings for Retail Businesses

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “holiday” means,

- (i) New Year’s Day,
- (ii) Good Friday,
- (iii) Dominion Day,
- (iv) the first Monday in September,
- (v) Christmas Day,
- (vi) Victoria Day,
- (vii) Thanksgiving Day,
- (viii) Sunday, and
- (ix) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) “municipality” means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof;

(c) “retail business” means the selling or offering for sale of goods or services by retail;

- (d) "retail business establishment" means the premises where a retail business is carried on.

Holidays designated for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses i to viii of clause *a* of subsection 1 to be a holiday for the purposes of this Act.

Onus on person carrying on business

**2.**—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on employees, etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday.

Application of Act

**3.**—(1) Section 2 does not apply to a person carrying on a retail business where,

- (a) the only goods available for sale by retail in the retail business establishment are,

- (i) foodstuffs,
- (ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,
- (iii) pharmaceutical, hygienic or sanitary products,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses i to iii, or any of them, by retail and no other goods are available for sale except as sundries;

- (b) the number of persons employed in the establishment for the service of the public at all times during which sale is otherwise prohibited under section 2, including the proprietor, does not exceed three; and
- (c) the total floor area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

(2) Section 2 does not apply to a person carrying on a <sup>Idem</sup> retail business where the only goods available for sale by retail in the retail business establishment are,

- (a) gasoline, motor oil or fuel oil;
- (b) antiques;
- (c) nursery stock, or flowers; or
- (d) fresh fruit or vegetables for sale between the 1st day of April and the 31st day of October,

or any combination of them.

(3) Section 2 does not apply in respect of the sale or <sup>Idem</sup> offering for sale by retail,

- (a) of liquor under the authority of a licence or permit issued under *The Liquor Licence Act*; R.S.O. 1970,  
c. 250
- (b) of goods or services under the authority of a tourist establishment licence issued under *The Tourism Act*; R.S.O. 1970,  
c. 122
- (c) of goods or services permitted under the *Lord's Day Act (Canada)* or *The Lord's Day (Ontario) Act*. R.S.C. 1970,  
c. L-13  
R.S.O. 1970,  
c. 259

(4) Section 2 does not apply in respect of the admission <sup>Idem</sup> of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

(5) Section 2 does not apply in respect of services sold in <sup>Idem</sup> connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats.

(6) Section 2 does not apply to retail business establish- <sup>Idem</sup>

ments or any class thereof in respect of which a by-law or regulation has been made under section 4 or 5 while the establishment is not in contravention of any conditions provided for in the by-law or regulation.

Exception  
by  
regulation

4. The Lieutenant Governor in Council may by regulation provide that section 2 does not apply to any class of retail business establishment or in respect of the sale by retail of any class of goods or services, subject to such terms and conditions as are prescribed.

Municipal  
exceptions

5.—(1) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the by-law.

Exceptions  
in territory  
without  
municipal  
organi-  
zation

(2) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations.

Classifica-  
tion of  
establi-  
shments

6. A by-law or regulation made under section 4 or 5 may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion.

Exception  
from  
R.S.C. 1970,  
c. L-13

7. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada).

Conflict  
with  
municipal  
by-laws  
R.S.O. 1970,  
c. 284

8. This Act applies notwithstanding any by-law passed under section 355 of *The Municipal Act* and is subject to any by-law authorized by section 356 of *The Municipal Act*.

Penalty

9. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Commence-  
ment

10. This Act comes into force on the 1st day of January, 1976.

Short title

11. This Act may be cited as *The Retail Business Holidays Act, 1975 (2nd Session)*.





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An Act to regulate  
Holiday Closings for Retail  
Businesses

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. J. MACBETH  
Solicitor General

---

*(Government Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to regulate Holiday Closings  
for Retail Businesses**

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THE HON. J. MACBETH  
Solicitor General

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*(Reprinted as amended by the Select Committee)*

#### EXPLANATORY NOTE

The Bill establishes certain holidays on which retail business establishments shall be closed.

The exceptions include small grocery stores, milk stores, news and tobacco stands, drug stores, antique shops, flower shops, service stations and others. Also excepted are those things permitted by the *Lord's Day Act* (Canada) and *The Lord's Day (Ontario) Act*.

Municipalities may by by-law make exceptions where necessary for the tourist industry.

BILL 5

1975

## An Act to regulate Holiday Closings for Retail Businesses

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “holiday” means,

- (i) New Year’s Day,
- (ii) Good Friday,
- (iii) Victoria Day,
- (iv) Dominion Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Christmas Day,
- (viii) Boxing Day,
- (ix) Sunday, and
- (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) “retail business” means the selling or offering for sale of goods or services by retail;

(c) “retail business establishment” means the premises where a retail business is carried on.

Holidays  
designated  
for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses i to ix of clause *a* of subsection 1 to be a holiday for the purposes of this Act.

Onus on  
person  
carrying  
on  
business

2.—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on  
employees,  
etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday.

Exemptions  
small stores

3.—(1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

(i) foodstuffs,

(ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,

(iii) antiques, or

(iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses i to iv, or any of them, by retail and no other goods are available for sale except as sundries; and

(b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of *The Health Disciplines Act, 1974*, where, on that day, <sup>Idem, pharmacies</sup> 1974, c. 47

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the number of persons engaged in the service of the public in the pharmacy does not at any time exceed three.

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are, <sup>Idem, special services</sup>

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) live pets and, in conjunction therewith, pet supplies; or
- (d) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.

(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where, <sup>Idem, Saturday closing</sup>

- (a) the retail business establishment was closed to the public for religious reasons and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and
- (b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 7,000 square feet.

Idem,  
under  
licences or  
other Acts

(5) Section 2 does not apply in respect of the sale or offering for sale by retail,

R.S.O. 1970,  
c. 250

(a) of liquor under the authority of a licence or permit issued under *The Liquor Licence Act*;

R.S.O. 1970,  
c. 122

(b) of goods or services under the authority of a tourist establishment licence issued under *The Tourism Act*;

R.S.C. 1970,  
c. L-13  
R.S.O. 1970,  
c. 259

(c) of goods or services permitted under the *Lord's Day Act* (Canada) or *The Lord's Day (Ontario) Act*.

Idem,  
education,  
recreation,  
amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

Idem,  
necessary  
services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

(a) prepared meals;

(b) living accommodation;

(c) laundromats and other coin-operated services;

(d) rentals of vehicles or boats;

(e) servicing and repair of vehicles or boats.

Idem,  
under by-law  
or regulation

(8) Section 2 does not apply to retail business establishments or any class thereof in respect of which a by-law or regulation has been made under section 4 while the establishment is not in contravention of any conditions provided for in the by-law or regulation.

Interpre-  
tation

4.—(1) In this section, "municipality" means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof.

Municipal  
exceptions

(2) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality



may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as are specified in the by-law.

(3) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations. Exceptions in territory without municipal organization

(4) A by-law or regulation made under this section may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion. Classification of establishments

5. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada). Exception from R.S.C. 1970, c. L-13

6. Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business does not include the power to permit the carrying on of the retail business on a holiday where to do so is prohibited by this Act, but nothing in this Act shall be construed to affect any power conferred on a municipality to prohibit the carrying on of a retail business on a day when the carrying on of the retail business is not prohibited by this Act. Powers of municipalities

7. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Penalty

8. This Act comes into force on the 1st day of January, 1976. Commencement

9. This Act may be cited as *The Retail Business Holidays Act, 1975 (2nd Session)*. Short title

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An Act to regulate  
Holiday Closings for Retail  
Businesses

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

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THE HON. J. MACBETH  
Solicitor General

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*(Reprinted as amended by the  
Select Committee)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to regulate Holiday Closings  
for Retail Businesses**

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THE HON. J. MACBETH  
Solicitor General

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The Bill establishes certain holidays on which retail business establishments shall be closed.

The exceptions include small grocery stores, milk stores, news and tobacco stands, drug stores, antique shops, flower shops, service stations and others. Also excepted are those things permitted by the *Lord's Day Act* (Canada) and *The Lord's Day (Ontario) Act*.

Municipalities may by by-law make exceptions where necessary for the tourist industry.

BILL 5

1975

## An Act to regulate Holiday Closings for Retail Businesses

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “holiday” means,

- (i) New Year’s Day,
- (ii) Good Friday,
- (iii) Victoria Day,
- (iv) Dominion Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Christmas Day,
- (viii) Boxing Day,
- (ix) Sunday, and
- (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) “retail business” means the selling or offering for sale of goods or services by retail;

(c) “retail business establishment” means the premises where a retail business is carried on.

Holidays  
designated  
for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses i to ix of clause *a* of subsection 1 to be a holiday for the purposes of this Act.

Onus on  
person  
carrying  
on  
business

**2.**—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on  
employees,  
etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday.

Exemptions:  
small stores

**3.**—(1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

(i) foodstuffs,

(ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,

(iii) antiques, or

(iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses i to iv, or any of them, by retail and no other goods are available for sale except as sundries; and

(b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of *The Health Disciplines Act, 1974*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the number of persons engaged in the service of the public in the pharmacy does not at any time exceed four.

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are,

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.

(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where,

- (a) the retail business establishment was closed to the public and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and
- (b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and

- (c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 5,000 square feet.

Idem,  
under  
licences or  
other Acts

(5) Section 2 does not apply in respect of the sale or offering for sale by retail,

R.S.O. 1970,  
c. 250

- (a) of liquor under the authority of a licence or permit issued under *The Liquor Licence Act*;

R.S.O. 1970,  
c. 122

- (b) of goods or services under the authority of a tourist establishment licence issued under *The Tourism Act*;

R.S.C. 1970,  
c. L-13  
R.S.O. 1970,  
c. 259

- (c) of goods or services permitted under the *Lord's Day Act* (Canada) or *The Lord's Day (Ontario) Act*.

Idem,  
education,  
recreation,  
amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

Idem,  
necessary  
services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats.

Idem,  
under by-law  
or regulation

(8) Section 2 does not apply to retail business establishments or any class thereof in respect of which a by-law or regulation has been made under section 4 while the establishment is not in contravention of any conditions provided for in the by-law or regulation.

Interpre-  
tation

4.—(1) In this section, "municipality" means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof.

Municipal  
exceptions

(2) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality



may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as are specified in the by-law.

(3) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations.

Exceptions in territory without municipal organization

(4) A by-law or regulation made under this section may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion.

Classification of establishments

5. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada).

Exception from R.S.C. 1970, c. L-13

6. Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business does not include the power to permit the carrying on of the retail business on a holiday where to do so is prohibited by this Act, but nothing in this Act shall be construed to affect any power conferred on a municipality to prohibit the carrying on of a retail business on a day when the carrying on of the retail business is not prohibited by this Act.

Powers of municipalities

7. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000.

Penalty

8. This Act comes into force on the 1st day of January, 1976.

Commencement

9. This Act may be cited as *The Retail Business Holidays Act, 1975* (2nd Session).

Short title

An Act to regulate  
Holiday Closings for Retail  
Businesses

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

---

THE HON. J. MACBETH  
Solicitor General

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 5**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to regulate Holiday Closings  
for Retail Businesses**

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THE HON. J. MACBETH  
Solicitor General

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## An Act to regulate Holiday Closings for Retail Businesses

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “holiday” means,

- (i) New Year’s Day,
- (ii) Good Friday,
- (iii) Victoria Day,
- (iv) Dominion Day,
- (v) Labour Day,
- (vi) Thanksgiving Day,
- (vii) Christmas Day,
- (viii) Boxing Day,
- (ix) Sunday, and
- (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;

(b) “retail business” means the selling or offering for sale of goods or services by retail;

(c) “retail business establishment” means the premises where a retail business is carried on.

Holidays  
designated  
for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses i to ix of clause *a* of subsection 1 to be a holiday for the purposes of this Act.

Onus on  
person  
carrying  
on  
business

**2.**—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on  
employees,  
etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday.

Exemptions:  
small stores

**3.**—(1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

(i) foodstuffs,

(ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,

(iii) antiques, or

(iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses i to iv, or any of them, by retail and no other goods are available for sale except as sundries; and

(b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of *The Health Disciplines Act, 1974*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the number of persons engaged in the service of the public in the pharmacy does not at any time exceed four.

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are,

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.

(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where,

- (a) the retail business establishment was closed to the public and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and
- (b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 5,000 square feet.

Idem,  
under  
licences or  
other Acts

(5) Section 2 does not apply in respect of the sale or offering for sale by retail,

R.S.O. 1970,  
c. 250

(a) of liquor under the authority of a licence or permit issued under *The Liquor Licence Act*;

R.S.O. 1970,  
c. 122

(b) of goods or services under the authority of a tourist establishment licence issued under *The Tourism Act*;

R.S.C. 1970,  
c. L-13  
R.S.O. 1970,  
c. 259

(c) of goods or services permitted under the *Lord's Day Act* (Canada) or *The Lord's Day (Ontario) Act*.

Idem,  
education,  
recreation,  
amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

Idem,  
necessary  
services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

(a) prepared meals;

(b) living accommodation;

(c) laundromats and other coin-operated services;

(d) rentals of vehicles or boats;

(e) servicing and repair of vehicles or boats.

Idem,  
under by-law  
or regulation

(8) Section 2 does not apply to retail business establishments or any class thereof in respect of which a by-law or regulation has been made under section 4 while the establishment is not in contravention of any conditions provided for in the by-law or regulation.

Interpre-  
tation

4.—(1) In this section, "municipality" means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof.

Municipal  
exceptions

(2) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality



may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as are specified in the by-law.

(3) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations. Exceptions in territory without municipal organization

(4) A by-law or regulation made under this section may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion. Classification of establishments

5. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada). Exception from R.S.C. 1970, c. L-13

6. Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business does not include the power to permit the carrying on of the retail business on a holiday where to do so is prohibited by this Act, but nothing in this Act shall be construed to affect any power conferred on a municipality to prohibit the carrying on of a retail business on a day when the carrying on of the retail business is not prohibited by this Act. Powers of municipalities

7. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Penalty

8. This Act comes into force on the 1st day of January, 1976. Commencement

9. This Act may be cited as *The Retail Business Holidays Act, 1975* (2nd Session). Short title

An Act to regulate  
Holiday Closings for Retail  
Businesses

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 6th, 1975

*3rd Reading*

December 18th, 1975

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THE HON. J. MACBETH  
Solicitor General

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Development Corporations Act, 1973**

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**THE HON. C. BENNETT**  
Minister of Industry and Tourism

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#### EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendment increases the maximum number of directors on the board of each corporation by one.

SECTION 4. The amendment authorizes the appointment of a chief executive officer for all three corporations.

SECTION 5. The amendments permit the corporations to grant subsidies as well as loans, require the corporations to comply with Government policy direction as to land use and permit loans and subsidies to be made to municipalities for industrial development projects.

BILL 6

1975

**An Act to amend  
The Development Corporations Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, as amended by the Statutes of Ontario, 1973, chapter 125, section 1, is further amended by striking out "fifteen" in the amendment of 1973 and inserting in lieu thereof "sixteen". s. 2 (1),  
amended
2. Section 3 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 3,  
amended
3. Section 4 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 4,  
amended
4. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,  
re-enacted

8.—(1) The Lieutenant Governor in Council shall appoint a person to be the chief executive officer of the corporations. Chief  
executive  
officer

(2) Where the chief executive officer is not a director or an officer in the public service of Ontario, he shall be paid such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-  
ation

5. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 125, section 2, is further amended by adding thereto the following subsections: s. 12,  
amended

(6) Each corporation may, for the objects set out in section 11 and subject to the approval of the Lieutenant Governor in Council, grant a subsidy to any person carrying on an Subsidies

industrial undertaking in Ontario, subject to such terms and conditions as the Lieutenant Governor in Council approves.

Policy  
directions

(7) In the exercise of its powers respecting the acquisition, financing, use and development of land in connection with industrial undertakings, each corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister expressing the policy of the Government of Ontario.

Municipalities

(8) In this section, "industrial undertaking" includes an undertaking by a city, town, village, township or county or a regional, district or metropolitan municipality to encourage or assist in the development and diversification of industry.

Commencement

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Development Corporations Amendment Act, 1975 (2nd Session)*.









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An Act to amend  
The Development Corporations  
Act, 1973

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. C. BENNETT  
Minister of Industry and Tourism

---

*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Development Corporations Act, 1973**

---

THE HON. C. BENNETT  
Minister of Industry and Tourism

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendment increases the maximum number of directors on the board of each corporation by one.

SECTION 4. The amendment authorizes the appointment of a chief executive officer for all three corporations.

SECTION 5. The amendments require the corporations to comply with Government policy direction as to land use and permit loans to be made to municipalities for industrial development projects.

BILL 6

1975

**An Act to amend  
The Development Corporations Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, as amended by the Statutes of Ontario, 1973, chapter 125, section 1, is further amended by striking out "fifteen" in the amendment of 1973 and inserting in lieu thereof "sixteen". s. 2 (1),  
amended
  
2. Section 3 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 3,  
amended
  
3. Section 4 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 4,  
amended
  
4. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,  
re-enacted

8.—(1) The Lieutenant Governor in Council shall appoint a person to be the chief executive officer of the corporations. Chief  
executive  
officer

(2) Where the chief executive officer is not a director or an officer in the public service of Ontario, he shall be paid such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-  
ation
  
5. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 125, section 2, is further amended by adding thereto the following subsections: s. 12,  
amended

(6) Each corporation may, for the objects set out in section 11 and subject to the approval of the Lieutenant Governor in Council, make a loan to a municipality mentioned in Subsidies

subsection 8 carrying on an industrial undertaking in Ontario, subject to such terms and conditions as the Lieutenant Governor in Council approves.

Policy  
directions

(7) In the exercise of its powers respecting the acquisition, financing, use and development of land in connection with industrial undertakings, each corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister expressing the policy of the Government of Ontario.

Muni-  
cipalities

(8) In this section, "industrial undertaking" includes an undertaking by a city, town, village, township or county or a regional, district or metropolitan municipality to encourage or assist in the development and diversification of industry.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Development Corporations Amendment Act, 1975 (2nd Session)*.



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An Act to amend  
The Development Corporations  
Act, 1973

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

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THE HON. C. BENNETT  
Minister of Industry and Tourism

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 6**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Development Corporations Act, 1973**

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THE HON. C. BENNETT  
Minister of Industry and Tourism

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BILL 6

1975

**An Act to amend  
The Development Corporations Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, as amended by the Statutes of Ontario, 1973, chapter 125, section 1, is further amended by striking out "fifteen" in the amendment of 1973 and inserting in lieu thereof "sixteen". s. 2 (1),  
amended
2. Section 3 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 3,  
amended
3. Section 4 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 4,  
amended
4. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,  
re-enacted

8.—(1) The Lieutenant Governor in Council shall appoint a person to be the chief executive officer of the corporations. Chief  
executive  
officer

(2) Where the chief executive officer is not a director or an officer in the public service of Ontario, he shall be paid such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-  
ation

5. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 125, section 2, is further amended by adding thereto the following subsections: s. 12,  
amended

(6) Each corporation may, for the objects set out in section 11 and subject to the approval of the Lieutenant Governor in Council, make a loan to a municipality mentioned in Subsidies

subsection 8 carrying on an industrial undertaking in Ontario, subject to such terms and conditions as the Lieutenant Governor in Council approves.

**Policy directions**

(7) In the exercise of its powers respecting the acquisition, financing, use and development of land in connection with industrial undertakings, each corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister expressing the policy of the Government of Ontario.

**Municipalities**

(8) In this section, "industrial undertaking" includes an undertaking by a city, town, village, township or county or a regional, district or metropolitan municipality to encourage or assist in the development and diversification of industry.

**Commencement**

**6.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**7.** This Act may be cited as *The Development Corporations Amendment Act, 1975 (2nd Session)*.









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An Act to amend  
The Development Corporations  
Act, 1973

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. C. BENNETT  
Minister of Industry and Tourism

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Municipal Act**

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THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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#### EXPLANATORY NOTE

The Bill empowers a municipality that is acquiring or developing land for industrial purposes, with the aid of a loan from one of the development corporations under *The Development Corporations Act, 1973*, to give security for the loan by way of mortgage or otherwise.

BILL 7

1975

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50 of subsection 1 of section 354 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is further amended by adding thereto the following clause:
  - (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage or may furnish such other security as the corporation considers appropriate.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Amendment Act, 1975 (2nd Session)*.

s. 354 (1),  
par. 50,  
amended

Agreement  
with  
development  
corporation  
1973, c. 84

Commence-  
ment

Short title

An Act to amend  
The Municipal Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Municipal Act**

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THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The Bill empowers a municipality that is acquiring or developing land for industrial purposes, with the aid of a loan from one of the development corporations under *The Development Corporations Act, 1973*, to give security for the loan by way of mortgage or otherwise.



BILL 7

1975

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50 of subsection 1 of section 354 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is further amended by adding thereto the following clause:
  - (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.
 

s. 354 (1),  
par. 50,  
amended

Agreement  
with  
development  
corporation  
1973, c. 84
2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. This Act may be cited as *The Municipal Amendment Act, 1975 (2nd Session)*.
 

Short title

B. I.  
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An Act to amend  
The Municipal Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

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THE HON. W. D. MCKEUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 7**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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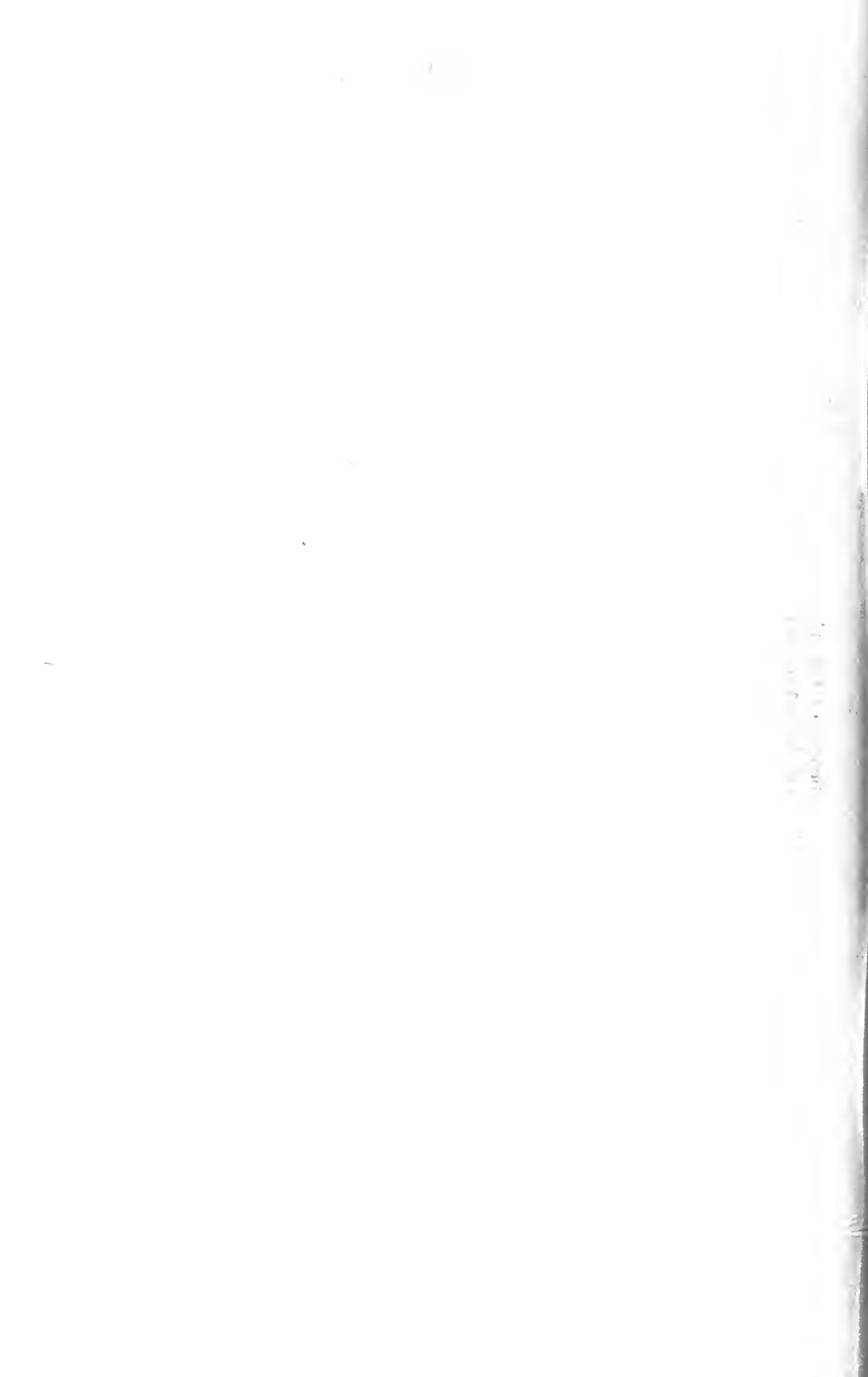
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**An Act to amend The Municipal Act**

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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BILL 7

1975

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50 of subsection 1 of section 354 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is further amended by adding thereto the following clause:
  - (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Amendment Act, 1975 (2nd Session)*.

s. 354 (1),  
par. 50,  
amended

Agreement  
with  
development  
corporation  
1973, c. 84

Commence-  
ment

Short title

An Act to amend  
The Municipal Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Assessment Act**

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THE HON. A. K. MEEN  
Minister of Revenue

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## EXPLANATORY NOTES

This Bill amends the Act to provide that condominium and co-operative housing will be assessed on the same basis as owner-occupied single-family dwellings. The Bill also amends section 46 of the Act to provide for certification of the last revised assessment roll, and section 97 of the Act to make its provisions consistent with amendments made to the Act in 1974.

SECTION 1. Section 46 (4) at present reads as follows:

- (4) *The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable.*

The amendment provides for the certification of the assessment roll by the regional registrar of the Assessment Review Court when all assessment appeals have been disposed of.

SECTION 2. The new subsection 2 provides that the owners of residential condominium housing and the occupants of suites in a residential building owned by a co-operative housing corporation will be assessed on the same basis as is applicable to owner-occupied single-family residences in the vicinity.

Section 90 which becomes subsection 1 of section 90 sets out the powers of the appeal tribunals in determining the value at which real property shall be assessed. Section 86 provides for the rolls to be returned in 1974 and 1975.

SECTION 3. Section 97 (2) and (7) at present read as follows:

- (2) *Notwithstanding section 96, the Lieutenant Governor by his proclamation may name a day earlier than the 1st day of January, 1974 upon which the provisions of this Act referred to in section 96 shall cease to be inoperative and shall come into force in any municipality or territory without municipal organization comprised in a locality named or described in the proclamation, and upon the making of the proclamation such provisions shall cease to be inoperative and shall come into force in the named or described municipality or territory without municipal organization comprised in a locality upon the day named in the proclamation.*
- (7) *For the purpose of providing an assessment roll for taxation in the year 1974 in any municipality or territory without municipal organization comprised in a locality named or described in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return in the year 1973 in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.*

Subsection 1. The amendments are consequential on amendments made to section 96 of the Act by *The Assessment Amendment Act* passed in 1974. The substitution of the year 1977 is necessitated by the reference to that year in subsection 2 of section 96.



**An Act to amend  
The Assessment Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 46 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 16, is repealed and the following substituted therefor: s. 46 (4),  
re-enacted

(4) As soon as practicable after the return of the assessment roll in a municipality, the Assessment Review Court shall hear and dispose of all appeals of assessments for the year for which the roll is returned, and when the appeals have been disposed of by the Assessment Review Court, the regional registrar of the Assessment Review Court shall certify the assessment roll to be the last revised assessment roll of the municipality for the year for which the assessments thereon are made. Time for  
disposing  
of appeals

2. Section 90 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by adding thereto the following subsection: s. 90,  
amended

(2) For the purposes of subsection 1 and of section 86, where a residential assessment is made with respect to a unit, as defined in *The Condominium Act*, a proposed unit, as defined in that Act, or a unit or suite in the building of a co-operative housing corporation, the value at which such unit, proposed unit or suite shall be assessed shall be based on the same proportion of the market value thereof as that at which owner-occupied single-family residences in the vicinity are assessed. Con-  
dominium  
and  
co-  
operative  
housing  
R.S.O. 1970,  
c. 77

- 3.—(1) Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended, s. 97 (2),  
amended

(a) by striking out "Notwithstanding section 96," in the first line; and

(b) by striking out "1974" in the third line and inserting in lieu thereof "1977".

s. 97 (7),  
re-enacted

(2) Subsection 7 of the said section 97 is repealed and the following substituted therefor:

Return of  
second roll  
not  
prevented

(7) For the purposes of providing, in any municipality or territory without municipal organization comprised in a locality, an assessment roll for taxation in the year following that in which a new assessment roll is returned in such municipality or territory without municipal organization comprised in a locality on a day named in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return, in the year in which such new assessment roll has been returned, in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Commence-  
ment

4. This Act comes into force on the 1st day of December, 1975.

Short title

5. This Act may be cited as *The Assessment Amendment Act, 1975 (2nd Session)*.

Subsection 2. Subsection 7 is revised to make it clear that, where a proclamation is made under section 97 for the return of an assessment roll at market value and for taxation on the basis of that assessment roll in the year in which it is returned, a second assessment roll may be returned in the municipality in the same year but for taxation in the following year.





An Act to amend  
The Assessment Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. A. K. MEEN  
Minister of Revenue

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*(Government Bill)*

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# BILL 8

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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## An Act to amend The Assessment Act

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THE HON. A. K. MEEN  
Minister of Revenue

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## An Act to amend The Assessment Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 46 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 16, is repealed and the following substituted therefor: s. 46 (4),  
re-enacted

(4) As soon as practicable after the return of the assessment roll in a municipality, the Assessment Review Court shall hear and dispose of all appeals of assessments for the year for which the roll is returned, and when the appeals have been disposed of by the Assessment Review Court, the regional registrar of the Assessment Review Court shall certify the assessment roll to be the last revised assessment roll of the municipality for the year for which the assessments thereon are made. Time for  
disposing  
of appeals

2. Section 90 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by adding thereto the following subsection: s. 90,  
amended

(2) For the purposes of subsection 1 and of section 86, where a residential assessment is made with respect to a unit, as defined in *The Condominium Act*, a proposed unit, as defined in that Act, or a unit or suite in the building of a co-operative housing corporation, the value at which such unit, proposed unit or suite shall be assessed shall be based on the same proportion of the market value thereof as that at which owner-occupied single-family residences in the vicinity are assessed. Con-  
dominium  
and  
co-  
operative  
housing  
R.S.O. 1970,  
c. 77

- 3.—(1) Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended, s. 97 (2),  
amended

- (a) by striking out "Notwithstanding section 96," in the first line; and
- (b) by striking out "1974" in the third line and inserting in lieu thereof "1977".

s. 97 (7),  
re-enacted

- (2) Subsection 7 of the said section 97 is repealed and the following substituted therefor:

Return of  
second roll  
not  
prevented

(7) For the purposes of providing, in any municipality or territory without municipal organization comprised in a locality, an assessment roll for taxation in the year following that in which a new assessment roll is returned in such municipality or territory without municipal organization comprised in a locality on a day named in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return, in the year in which such new assessment roll has been returned, in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Commence-  
ment

- 4. This Act comes into force on the 1st day of December, 1975.

Short title

- 5. This Act may be cited as *The Assessment Amendment Act, 1975 (2nd Session)*.



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An Act to amend  
The Assessment Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

November 20th, 1975

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THE HON. A. K. MEEN  
Minister of Revenue

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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#### EXPLANATORY NOTE

The amendment provides for the extension of time for registration in the case of interruption of postal service. Under section 13 of the Act, the late registration is effective only from the date of actual registration.



**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 39 of *The Bills of Sale and Chattel Mortgages Act*, <sup>s. 39,</sup> <sup>amended</sup> being chapter 45 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 27, is further amended by adding thereto the following clause:
- (aa) extending the time for registration of mortgages and conveyances where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 39 is further amended by adding thereto <sup>s. 39,</sup> <sup>amended</sup> the following subsection:
- (2) A regulation made under clause aa of subsection 1 <sup>Validation</sup> <sup>of late</sup> <sup>registrations</sup> may apply to validate a registration purporting to have been made before the regulation comes into force.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup> <sup>ment</sup>
3. This Act may be cited as *The Bills of Sale and Chattel Mort-* <sup>Short title</sup> <sup>gages Amendment Act, 1975 (2nd Session).</sup>

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An Act to amend  
The Bills of Sale and Chattel  
Mortgages Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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**BILL 9**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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BILL 9

1975

**An Act to amend  
The Bills of Sale and Chattel Mortgages Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 39 of *The Bills of Sale and Chattel Mortgages Act*, <sup>s. 39,</sup> <sup>amended</sup> being chapter 45 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 27, is further amended by adding thereto the following clause:
- (aa) extending the time for registration of mortgages and conveyances where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 39 is further amended by adding thereto <sup>s. 39,</sup> <sup>amended</sup> the following subsection:
- (2) A regulation made under clause *aa* of subsection 1 <sup>Validation</sup> <sup>of late</sup> <sup>registrations</sup> may apply to validate a registration purporting to have been made before the regulation comes into force.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup> <sup>ment</sup>
3. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Bills of Sale and Chattel  
Mortgages Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

November 20th, 1975

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Assignment of Book Debts Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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#### EXPLANATORY NOTE

The amendment provides for the extension of time for registration in the case of interruption of postal service. Under subsection 3 of section 3 of the Act, the late registration is effective only from the date of actual registration.



BILL 10

1975

**An Act to amend  
The Assignment of Book Debts Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 21 of *The Assignment of Book Debts Act*, being <sup>s. 21,</sup> chapter 33 of the Revised Statutes of Ontario, 1970, <sup>amended</sup> as amended by the Statutes of Ontario, 1972, chapter 1, section 24, is further amended by adding thereto the following clause:
  - (aa) extending the time for registration of assignments where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general
- (2) The said section 21 is further amended by adding thereto <sup>s. 21,</sup> the following subsection: <sup>amended</sup>
  - (2) A regulation made under clause *aa* of subsection 1 <sup>Validation</sup> may apply to validate a registration purporting to have been <sup>of late</sup> registrations <sup>made before the regulation comes into force.</sup>
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup> <sup>ment</sup>
3. This Act may be cited as *The Assignment of Book Debts* <sup>Short title</sup> *Amendment Act, 1975 (2nd Session)*.

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An Act to amend  
The Assignment of Book Debts Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Assignment of Book Debts Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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*(Corrected First Reading Bill)*

#### EXPLANATORY NOTE

The amendment provides for the extension of time for registration in the case of interruption of postal service. Under subsection 3 of section 3 of the Act, the late registration is effective only from the date of actual registration.

BILL 10

1975

**An Act to amend  
The Assignment of Book Debts Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 21 of *The Assignment of Book Debts Act*, being <sup>s. 21,</sup> chapter 33 of the Revised Statutes of Ontario, 1970, <sup>amended</sup> as amended by the Statutes of Ontario, 1972, chapter 1, section 24, is further amended by adding thereto the following clause:
- (aa) extending the time for registration of assignments where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 21 is further amended by adding thereto <sup>s. 21,</sup> the following subsection: <sup>amended</sup>
- (2) A regulation made under clause aa of subsection 1 <sup>Validation</sup> may apply to validate a registration purporting to have been <sup>of late</sup> made before the regulation comes into force. <sup>registrations</sup>
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>
3. This Act may be cited as *The Assignment of Book Debts* <sup>Short title</sup>  
*Amendment Act, 1975 (2nd Session)*. <sup>Amendment Act, 1975 (2nd Session)</sup>

An Act to amend  
The Assignment of Book Debts Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

*(Corrected First Reading Bill)*

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**BILL 10**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Assignment of Book Debts Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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BILL 10

1975

**An Act to amend  
The Assignment of Book Debts Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 21 of *The Assignment of Book Debts Act*, being <sup>s. 21,</sup> <sup>amended</sup> chapter 33 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 24, is further amended by adding thereto the following clause:

(aa) extending the time for registration of assignments where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.

- (2) The said section 21 is further amended by adding thereto <sup>s. 21,</sup> <sup>amended</sup> the following subsection:

(2) A regulation made under clause aa of subsection 1 <sup>Validation</sup> <sup>of late</sup> <sup>registrations</sup> may apply to validate a registration purporting to have been made before the regulation comes into force.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup> <sup>ment</sup>
3. This Act may be cited as *The Assignment of Book Debts* <sup>Short title</sup> <sup>Amendment Act, 1975 (2nd Session)</sup>.

An Act to amend  
The Assignment of Book Debts Act

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*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

November 20th, 1975

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Conditional Sales Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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EXPLANATORY NOTE

The amendment provides for the extension of time for registration in the case of interruption of postal service. Under subsection 9 of section 2 of the Act, the late registration is effective only from the date of actual registration.

BILL 11

1975

## An Act to amend The Conditional Sales Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 17 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 34, is further amended by adding thereto the following clause:

(aa) extending the time for registration of contracts where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.

- (2) The said section 17 is further amended by adding thereto the following subsection:

(2) A regulation made under clause *aa* of subsection 1 may apply to validate a registration purporting to have been made before the regulation comes into force.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Conditional Sales Amendment Act, 1975 (2nd Session)*.

An Act to amend  
The Conditional Sales Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

---

*(Government Bill)*

**BILL 11**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Conditional Sales Act**

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THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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## An Act to amend The Conditional Sales Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 17 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 34, is further amended by adding thereto the following clause: s. 17, amended
- (aa) extending the time for registration of contracts where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 17 is further amended by adding thereto the following subsection: s. 17, amended
- (2) A regulation made under clause *aa* of subsection 1 may apply to validate a registration purporting to have been made before the regulation comes into force. Validation of late registrations
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Conditional Sales Amendment Act, 1975 (2nd Session)*. Short title

An Act to amend  
The Conditional Sales Act

---

*1st Reading*

October 29th, 1975

*2nd Reading*

November 13th, 1975

*3rd Reading*

November 20th, 1975

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for the  
Appointment of a Labour Ombudsman**

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MR. REID

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#### EXPLANATORY NOTE

The purpose of the Bill is to establish a Labour Ombudsman to hear and investigate employee complaints with respect to employers and trade unions.

BILL 12

1975

## An Act to provide for the Appointment of a Labour Ombudsman

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Minister" means the Minister of Labour;
- (b) "Ministry" means the Ministry of Labour;
- (c) "Ombudsman" means the Labour Ombudsman appointed under this Act;
- (d) "trade union" has the same meaning as in section 1 of *The Labour Relations Act*.

R.S.O. 1970,  
c. 232

**2.** There shall be appointed by the Lieutenant Governor in Council on the recommendation of the Assembly as an officer of the Legislature a Labour Ombudsman, to be called the Ombudsman, who shall exercise the powers and perform the duties set out in this Act.

Appointment

**3.—(1)** The recommendation for the appointment of the Ombudsman shall be made in the first session of every Legislature.

Term of  
office

(2) Unless his office sooner becomes vacant, every person appointed as Ombudsman shall hold office until his successor is appointed, and every such person may from time to time be reappointed.

Reappoint-  
ment

(3) The Ombudsman may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

Resignation

Removal  
from office

4.—(1) The Ombudsman may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty or misconduct.

Suspension  
when  
Legislature  
not in  
session

(2) At any time when the Legislature is not in session, the Ombudsman may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty or misconduct proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Filling of  
vacancy

5.—(1) If the Ombudsman dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

When  
Legislature  
in session

(2) If a vacancy in the office of Ombudsman occurs at any time while the Legislature is in session, it shall be filled by the appointment of an Ombudsman by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

When  
Legislature  
not in  
session

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint an Ombudsman to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly, and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be a vacancy in the office of Ombudsman.

Oath of  
office

6.—(1) Before entering upon his duties, the Ombudsman shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 2 of section 12, divulge any information received by him under this Act.

Idem

(2) The oath shall be administered by the Speaker of the Assembly or by the Clerk of the Assembly.

Staff

7. Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

**8.**—(1) It is the duty of the Ombudsman, and he has <sup>Duty</sup> the power to investigate any matter, decision or recommendation made, including any recommendation to the Minister, with respect to any employee and his relations with an employer or a trade union.

(2) The Ombudsman may undertake an investigation under subsection 1, either on a complaint made to him by any person or of his own motion and the Ombudsman has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. <sup>Initiation of investigation 1971, c. 49</sup>

**9.** The powers and duties conferred on the Ombudsman by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question. <sup>Powers and duties paramount</sup>

**10.** Every complaint to the Ombudsman shall be made in writing. <sup>Mode of complaint</sup>

**11.** Without limiting the generality of the powers conferred on the Ombudsman by this Act, the Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Ombudsman, or if in the opinion of the Ombudsman, <sup>Discretion to investigate</sup>

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

**12.**—(1) The Ombudsman and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions. <sup>Secrecy</sup>

(2) Notwithstanding subsection 1, the Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations. <sup>Exception</sup>

Report to  
Minister

**13.**—(1) Where the Ombudsman has undertaken an investigation under section 8, he shall, as soon as is practicable after the completion of the investigation, report to the Minister his findings together with any recommendations which he may consider appropriate.

Report to  
Assembly

(2) If, within a reasonable time after the report referred to in subsection 1 is made, no action is taken that seems to the Ombudsman to be adequate and appropriate in the circumstances, the Ombudsman, in his discretion, after considering the comments, if any, made by the Minister, shall submit a copy of his report and recommendations to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Labour Ombudsman Act, 1975 (2nd Session)*.





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An Act to provide for the  
Appointment of a Labour Ombudsman

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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MR. REID

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Consumer Reporting Act, 1973**

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MR. REID

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#### EXPLANATORY NOTE

The purpose of the Bill is to prevent the selling of personal information contained in consumer reports to persons outside Ontario. The Bill would also prohibit the selling of lists of names and addresses of persons contained in consumer reporting files.

BILL 13

1975

**An Act to amend  
The Consumer Reporting Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Consumer Reporting Act, 1973*, being <sup>s. 8.</sup> amended chapter 97, is amended by adding thereto the following subsections:

(2a) Except with the written consent of the Registrar, <sup>No reports outside Ontario</sup> no consumer reporting agency and no officer or employee thereof shall furnish any information from the files of the consumer reporting agency to a person who does not reside in Ontario.

(3a) Except with the written consent of the Registrar and <sup>Idem</sup> subject to subsection 3, no consumer reporting agency and no officer or employee thereof shall furnish a list of names or addresses of consumers from the files of the consumer reporting agency to any person.

2. Section 24 of the said Act is amended by adding thereto <sup>s. 24.</sup> amended the following clause:

(l) prescribing the form of security to be provided by consumer reporting agencies in order to prevent unauthorized persons from having access to consumer reports.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
4. This Act may be cited as *The Consumer Reporting Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Consumer Reporting  
Act, 1973

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*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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MR. REID

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to relieve Persons from Liability in respect of  
voluntary Emergency Medical and First Aid Services**

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MR. HAGGERTY

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EXPLANATORY NOTE

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.



BILL 14

1975

**An Act to relieve Persons from Liability  
in respect of voluntary Emergency  
Medical and First Aid Services**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "physician" means a legally qualified medical practitioner;
- (b) "registered nurse" has the same meaning as defined in section 69 of *The Health Disciplines Act, 1974*.

1974, c. 47

**2.** Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency,

Relief from  
liability  
for damages

- (a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or
- (b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless such acts constitute wilful or wanton misconduct on his part.

Act does  
not apply  
to normal  
medical  
services

**3.** Nothing in section 2 shall be deemed to relieve a physician from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Good Samaritan Act, 1975 (2nd Session)*.







An Act to relieve  
Persons from Liability in respect of  
voluntary Emergency Medical and  
First Aid Services

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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MR. HAGGERTY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for the Establishment of  
Safety Committees**

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MR. HAGGERTY

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EXPLANATORY NOTE

Self-explanatory.



BILL 15

1975

## An Act to provide for the Establishment of Safety Committees

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Labour. Interpretation
2. Every industry shall establish a safety committee Safety committee established which shall have equal representation from both the employers and employees in the industry.
3. Every safety committee, upon the request of the Minister, shall advise him respecting the safety of workers in the industry which it represents and, without restricting the generality of the foregoing, inquire into and advise him upon any laws respecting the safety of workers in the industry with a view to the improvement, clarification or extension of the existing laws or the enactment of new laws or inquire into and advise him upon any matter designed to co-ordinate the functions of all bodies concerned with the safety of workers. Duties of safety committee
4. Where an accident or injury occurs on a job site, the foreman or person in charge of the job site shall forthwith notify the safety committee representing the particular industry that an accident or injury has occurred. Notification where accident or injury
5. Where a safety committee receives a report concerning an accident or injury on a job site, the committee shall report in writing to the Minister that an accident or injury has occurred and outline any recommendations it may have as to the future prevention of a similar accident or injury. Idem
6. This Act comes into force on the day it receives Royal Assent. Commencement
7. This Act may be cited as *The Safety Committees Act, 1975 (2nd Session)*. Short title

An Act to provide for the  
Establishment of Safety Committees

---

*1st Reading*

October 29th, 1975

*2nd Reading*

*3rd Reading*

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MR. HAGGERTY

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Highway Traffic Act**

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MR. ROY

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EXPLANATORY NOTE

The purpose of the Bill is to lower the speed limit on Ontario Highways to 55 miles per hour.

BILL 16

1975

## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 82 of *The Highway Traffic Act*, <sup>s. 82 (5),</sup> amended being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by striking out “60” in the fifth line and inserting in lieu thereof “55”.
- (2) Subsection 11 of the said section 82 is amended by adding <sup>s. 82 (11),</sup> amended at the end thereof “but such rate of speed shall not be more than 55 miles per hour”.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>ment
3. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 30th, 1975

*2nd Reading*

*3rd Reading*

---

MR. ROY

---

*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Ministry of Government Services Act, 1973**

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MR. SINGER

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EXPLANATORY NOTE

The Bill expands the present section of the Act to require tenders for the purchase of real or personal property exceeding \$750.



**An Act to amend  
The Ministry of Government Services Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Ministry of Government Services Act, 1973*, <sup>s. 13,</sup> being chapter 2, is repealed and the following substituted <sup>re-enacted</sup> therefor:

13. Before the Minister, for and in the name of the Crown, <sup>Tenders</sup> enters into a contract in respect of the construction, renovation or repair of a public work or the purchase of any commodity or real property or interest therein, he shall invite tenders therefor, except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$750,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>
3. This Act may be cited as *The Ministry of Government Services* <sup>Short title</sup> *Amendment Act, 1975 (2nd Session)*.

An Act to amend  
The Ministry of Government Services  
Act, 1973

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*1st Reading*

November 4th, 1975

*2nd Reading*

*3rd Reading*

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MR. SINGER

*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to establish The Ontario Bill of Rights**

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MR. ROY

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#### EXPLANATORY NOTE

This Bill will provide for an Ontario Bill of Rights. The Canadian Bill of Rights enacted by the Parliament of Canada in 1960 provides for the protection of certain human rights and fundamental freedoms but its effectiveness is limited by the fact that it operates only within the fields of the federal Parliament's constitutional authority. The Ontario Bill of Rights is intended to provide for the protection of those same human rights and fundamental freedoms so that, in Ontario, those rights and freedoms will have protection in both provincial and federal fields of legislative jurisdiction. The result will be to have those rights and freedoms protected in Ontario under a single legislative shield consisting of the Canadian Bill of Rights and the Ontario Bill of Rights.

The effect of the Bill will be to have the Legislature, out of its respect for those rights and freedoms, limit its powers to enact statutes and regulations.

## An Act to establish The Ontario Bill of Rights

**W**HEREAS the free and democratic society existing in Ontario is founded upon principles, fostered by tradition, that honour and respect human rights and fundamental freedoms and the dignity and worth of the human person; and whereas the Parliament of Canada, being desirous of enshrining certain principles and the human rights and fundamental freedoms derived from them, enacted the Canadian Bill of Rights in order to ensure the protection of those rights and freedoms in Canada in matters coming within its legislative authority; and whereas the Legislature of Ontario, affirming those principles and recognizing the need to ensure the protection of those rights and freedoms in Ontario in matters coming within its legislative authority, desires to enact the Ontario Bill of Rights.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby recognized and declared that in Ontario there exist, without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

Declaration  
of rights and  
fundamental  
freedoms

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and

(f) freedom of the press.

Construction  
and applica-  
tion of  
statutes and  
regulations

**2.** Every statute and regulation of Ontario shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.

Rights  
preserved

**3.—(1)** Nothing in this Act shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated herein that may have existed in Ontario at the commencement of this Act.

Jurisdiction  
of  
Legislature

(2) The provisions of this Act shall be construed as extending only to matters coming within the legislative authority of the Legislature of Ontario.

Notice to  
Attorney  
General

**4.—(1)** Where in any action or other proceeding a question arises as to whether any law of Ontario abrogates, abridges or infringes, or authorizes the abrogation, abridgment or infringement, of any of the rights and freedoms herein recognized and declared, no adjudication on that question is valid unless notice has been given to the Attorney General.

Attorney  
General  
may appear

(2) Where the Attorney General has notice under subsection 1, he may, in person or by counsel, appear and participate in that action or proceeding on such terms and conditions as the court, person or body conducting the proceeding may consider just.

Law of  
Ontario  
defined

**5.** In this Act, “law of Ontario” means,

- (a) any Act of the Legislature of Ontario enacted before, on or after the commencement of this Act; and
- (b) any order, rule or regulation made or approved by the Lieutenant Governor in Council or by a Minister of the Crown before, on or after the commencement of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Ontario Bill of Rights, 1975 (2nd Session)*.









An Act to establish  
The Ontario Bill of Rights

---

*1st Reading*

November 4th, 1975

*2nd Reading*

*3rd Reading*

---

MR. ROY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Ontario Human Rights Code**

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MR. NEWMAN  
(Windsor-Walkerville)

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EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination on the basis of a physical handicap.

BILL 19

1975

## An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being <sup>Preamble amended</sup> chapter 318 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 119, section 1, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
2. Subsection 1 of section 1 of the said Act, as amended by the <sup>s. 1 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 2, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
3. Subsection 1 of section 2 of the said Act, as amended by the <sup>s. 2 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 3, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
4. Subsection 1 of section 3 of the said Act, as re-enacted by the <sup>s. 3 (1), amended</sup> Statutes of Ontario, 1972, chapter 119, section 4, is amended by inserting after "sex" in the eleventh line "a physical handicap".
- 5.—(1) Subsection 1 of section 4 of the said Act, as re-enacted <sup>s. 4 (1), amended</sup> by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after "status" in the twenty-second line "a physical handicap".
  - (2) Subsection 2 of the said section 4 is amended by <sup>s. 4 (2), amended</sup> inserting after "status" in the fifth line "a physical handicap".
  - (3) Subsection 3 of the said section 4 is amended by <sup>s. 4 (3), amended</sup> inserting after "status" in the ninth line "a physical handicap".

- s. 4 (5),  
amended
- (4) Subsection 5 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".
- s. 4,  
amended
- (5) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection:
- Exception
- (6a) The provisions of this section do not apply where the nature or extent of the physical handicap would reasonably preclude the performance of the particular employment.
- s. 4 (7),  
amended
- (6) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".
- s. 4a (1),  
amended
- 6.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical handicap".
- s. 4a (2),  
amended
- (2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical handicap".
- s. 6a,  
amended
7. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical handicaps".
- s. 9 (a, c),  
amended
8. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical handicaps".
- s. 19,  
amended
9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:
- (ha) "physical handicap" means a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness and includes epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device.

- 10.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 11.** This Act may be cited as *The Ontario Human Rights Code* Short title  
*Amendment Act, 1975 (2nd Session)*.







An Act to amend  
The Ontario Human Rights Code

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*1st Reading*

November 4th, 1975

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for the  
Review of Rents in respect of Residential Premises**

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THE HON. J. R. RHODES  
Minister of Housing

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#### EXPLANATORY NOTE

The Bill establishes limits on the amounts by which rents charged for residential premises may be increased during the period from July 29th, 1975 to August 1st, 1977.

Among the principal features of the Bill are the following:

1. In respect of leases granting or renewing a right of occupancy between July 29th, 1975 and January 1st, 1976, the maximum increase in rent permitted to be charged during that period is 8 per cent more than the rent charged prior to July 29th, 1975. Any rent paid during that period that is in excess of the 8 per cent limit must be repaid by the landlord to the tenant. Neither the landlord nor the tenant may apply for any variation, either upward or downward, from the maximum permitted increase of 8 per cent. (Section 3 of the Bill).
2. The maximum permitted increase of 8 per cent above that charged prior to July 29th, 1975, continues to apply to rents charged for the period between January 1st, 1976 and August 1st, 1976. During that period however a landlord may apply for a rent increase above the 8 per cent level or a tenant may apply to have a rent increase reduced below 8 per cent. (Section 4 of the Bill).
3. In respect of leases granting or renewing a right of occupancy between August 1st, 1976 and August 1st, 1977, the maximum permitted percentage increase will be that established by order of the Lieutenant Governor in Council. (Section 4 (2) of the Bill).
4. Tenants may not sublet residential premises for a greater rent than that lawfully charged the tenant by his landlord. (Section 8 of the Bill).
5. For the purposes of the Act, regions will be established throughout the Province in each of which regions one or more Rent Review Officers will be located. (Section 2 of the Bill).
6. After January 1st, 1976, a tenant may apply to a Rent Review Officer requiring the landlord to justify the amount of any rent increase; conversely, a landlord may apply to a Rent Review Officer for a rent increase that exceeds the permitted percentage. (Section 4 (3-9) of the Bill).
7. A Residential Premises Rent Review Board is established to hear appeals from decisions of Rent Review Officers. The Board will hold its hearing on any appeal at a location situate in the region where the proceedings were commenced. The decision of the Rent Review Board on any appeal will be final. (Sections 10 and 11 of the Bill).
8. Provision is made in the Bill for the exemption of certain classes of residential premises. (Section 12 of the Bill).
9. The Bill provides for fines of up to \$2,000 for the contravention of certain provisions of the Bill by either landlords or tenants. (Section 15 of the Bill).

BILL 20

1975

**An Act to provide for  
the Review of Rents in respect of  
Residential Premises**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Residential Premises Rent Review Board established under this Act;
- (b) "landlord" includes lessor, owner, the person giving or permitting the occupation of the premises in question and his or their heirs and assigns and legal representatives;
- (c) "Minister" means the Minister of Housing, or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (d) "mobile home" means any dwelling that is designed for or intended to be equipped with wheels, whether or not it is so equipped, and constructed or manufactured to provide a residence for one or more persons, but does not include a travel trailer, or tent trailer or trailer otherwise designed;
- (e) "Rent Review Officer" means a Rent Review Officer appointed under section 2 of this Act;
- (f) "residential premises" means,
  - (i) a dwelling unit used for residential purposes that contains bathroom and kitchen facilities, and
  - (ii) land used as a site for a mobile home used for residential purposes.

- (g) "regulations" means the regulations made under this Act;
- (h) "rent" includes the amount of any consideration paid or given or required to be paid or given by a tenant for occupancy of residential premises and for any service, privilege, accommodation or thing that the landlord provides for the tenant, whether or not a separate charge is made for such service, privilege, accommodation or thing;
- (i) "tenancy agreement" means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

Rent Review  
Officers

2.—(1) The Lieutenant Governor in Council may appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act.

Remunera-  
tion

(2) Each Rent Review Officer shall be reimbursed for his reasonable travelling expenses and out-of-pocket expenses necessarily incurred by him in the discharge of his duties and in addition may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

Powers of  
Minister

(3) The Minister may, by order, establish regions in Ontario and may from time to time designate one or more Rent Review Officers to exercise the powers conferred and duties imposed upon a Rent Review Officer, in each such region.

Maximum  
permitted  
increase  
in rent  
between  
July 29,  
1975 and  
January 1,  
1976

3.—(1) Notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, no landlord shall charge that tenant for any rental payment period between those dates, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975.

Recovery  
of excess  
rent paid

(2) Where rent is paid by a tenant to a landlord in respect of any rental period between the dates mentioned in subsection 1 that is in excess of the amount permitted under that subsection, the landlord shall, within sixty days of the day this Act receives Royal Assent, pay to the tenant the amount of the excess rent paid.

(3) Where a landlord fails to pay to the tenant entitled <sup>Idem</sup> thereto the amount of excess rent that is due within the time limited in subsection 2, the Rent Review Officer for the region in which the premises are situate, may, on the application of the tenant, determine the amount that is due and may order the payment of the amount by the landlord to the tenant.

(4) Subsection 5 of section 5 applies, *mutatis mutandis*, <sup>Application of s. 5 (5)</sup> to an order made under subsection 3.

4.—(1) Except as provided in subsection 3, and notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1976, no landlord shall charge that tenant for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1976, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975. <sup>Maximum permitted increase in rent between January 1, 1976 and August 1, 1976</sup>

(2) Except as provided in subsection 3, notwithstanding the terms of any tenancy agreement giving a tenant a right to occupy or to renew the occupancy of residential premises for any period commencing on or after the 1st day of August, 1976, and before the 1st day of August, 1977, no landlord shall charge a tenant for any rental period between those dates an amount of rent for that residential premises which exceeds the last rent which was lawfully charged for an equivalent rental period under the immediately preceding tenancy agreement of the residential premises previous to the 1st day of August, 1976, by a percentage amount to be determined not later than the 1st day of April, 1976, by the Lieutenant Governor in Council. <sup>Maximum permitted increase in rent between August 1, 1976 and August 1, 1977</sup>

(3) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced, or anticipates on reasonable grounds, that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 or 2 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1977, he may at least sixty days prior to entering into or renewing a tenancy agreement with respect thereto, or in the case where entitle- <sup>Application by landlord for increase in rent</sup>

ment to occupancy under the tenancy agreement occurred on or after the 30th day of July, 1975, and on or before the 31st day of December, 1975, not later than the 31st day of January, 1976, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the portion of the rent increase that exceeds the amount of the allowable rent increase and shall, at the same time, also give notice of his application for increase to the tenant of the residential premises.

Application  
by tenant  
to require  
justification  
of increase

(4) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1977, wishes to dispute the amount of a rent increase for any period or periods of occupancy between the 1st day of January, 1976, and the 31st day of July, 1977, inclusive, and whether or not such increase is within the limits set out in subsections 1 and 2, he may, not later than sixty days after he receives notice of the increase, or before the 31st day of January, 1976, whichever last occurs, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase.

Procedure by  
landlord

(5) The landlord shall, within fifteen days of his receipt of a notice from a tenant under subsection 4, either,

- (a) reduce the rent increase to an amount agreed upon by himself and the tenant; or
- (b) file an application in the form and manner prescribed in the regulations with the Rent Review Officer for the region in which the premises are situate, setting forth the particulars which he claims justify such increase, and may in such application apply for a greater increase than that set forth in his original notice of increase to the tenant, provided that if the landlord has already filed an application under subsection 3 and has given notice thereof to the tenant, he need file no further application under this subsection.

Copy of  
application

(6) Where a landlord files an application under clause *b* of subsection 5, he shall forthwith give to the tenant a copy of the application.

Application  
for order  
declaring  
increase  
null and  
void

(7) Where a landlord fails to either reduce the rent increase under clause *a* of subsection 5 or to apply to the



Rent Review Officer under clause *b* of subsection 5 within the fifteen-day period mentioned in subsection 5, the tenant may apply to the Rent Review Officer for an order declaring the proposed increase in rent to be null and void.

(8) The Rent Review Officer shall, within ten clear days of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application. Notice of hearing

(9) Where more than one tenant in the same building or project has received notice of rent increase, and has required that the landlord apply to the Rent Review Officer to justify such increase, or where a landlord has applied to the Rent Review Officer under subsection 3 for approval of an increase respecting the occupancy of several tenants in the same building or project, the Rent Review Officer may in his discretion fix a common date for the hearing of all such applications. Common date for hearing

5.—(1) The Rent Review Officer may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the cheapest and simplest methods of determining the questions arising before him that afford to all parties to the proceedings an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf. Procedure at hearing

(2) In determining the questions arising before him on an application, the Rent Review Officer shall consider, Matters to be considered by Rent Review Officer

- (a) any increase in rent for the residential premises which took effect in the year 1975 on or before the 29th day of July;
- (b) whether or not the increase in rent sought by the landlord is necessary in order to prevent the landlord sustaining a financial loss in the operation of the building in which the residential premises are situate; and
- (c) such other matters as may be prescribed by the regulations.

(3) After hearing the application, the Rent Review Officer may, Powers of Rent Review Officer

- (a) approve the amount of the increase sought by the landlord if he is satisfied that increased operating

costs and capital expenses justify the amount of the rent increase;

- (b) order that the landlord reduce the amount of the rent increase to such lesser amount as he may specify;
- (c) order the landlord to repay to the tenant rent paid in excess of the amount which he has fixed in his order under clause *b*, or that such excess be set-off by way of abatement of rent; or
- (d) order the tenant to pay to the landlord any amount of money owing to him by reason of the decision of the Rent Review Officer,

and shall give written notice of his decision to all the parties who appeared on the hearing.

Reasons

(4) The Rent Review Officer shall give reasons for any decision made by him in proceedings before him.

Final decision may be filed in Supreme Court  
1971, c. 47

(5) On the request of any party to the proceedings, the Rent Review Officer shall file a copy of any order made by him under subsection 3 in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto.

1971, c. 47,  
not to apply

(6) Except as provided in subsection 5, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the Rent Review Officer.

Application of  
1971, c. 49

(7) A Rent Review Officer for the purposes of a hearing before him has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such hearing as if it were an inquiry under that Act.

Rent chargeable pending decision of Rent Review Officer

**6.** Until such time as the Rent Review Officer gives notice of his decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 4 may be charged and collected by the landlord.

Deemed rent increase

**7.** For the purposes of this Act, unless the Rent Review Officer otherwise determines, where a landlord discontinues a service, privilege, accommodation or thing and such discontinuance results in a substantial reduction of the tenant's use and enjoyment of the residential premises, the value of such discontinued service, privilege, accommodation or thing shall be deemed to be a rent increase.

**8.** No tenant shall,Subletting  
and  
assignment

- (a) sublet the balance of his term under a tenancy agreement for a consideration that is greater than the rent that is lawfully charged by the landlord under this Act; or
- (b) charge any consideration for an assignment of his tenancy agreement.

**9.** In addition to his other jurisdiction under this Act, the Rent Review Officer may, upon the application of any landlord, tenant or sub-tenant of residential premises, hold a hearing and determine whether,

Additional  
powers of  
Rent Review  
Officer

- (a) the discontinuance of a service, privilege, accommodation or thing by the landlord has resulted in a substantial reduction in a tenant's use and enjoyment of residential premises and constitutes an increase in rent;
- (b) a sub-tenant under a tenancy agreement of residential premises has been charged a rental increase which is prohibited by section 8; or
- (c) this Act applies to particular residential premises,

and may order,

- (d) in the case mentioned in clause *a*, a reduction in the rent to be paid by the tenant;
- (e) in the case mentioned in clause *b*, that the increase be repaid to the sub-tenant by the tenant; or
- (f) in the case mentioned in clause *c*, that this Act does or does not apply to the residential premises.

**10.**—(1) A board to be known as the Residential Premises Rent Review Board is established composed of such number of members as the Lieutenant Governor in Council may appoint.

Residential  
Premises  
Rent Review  
Board  
established

(2) One of the members shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Chairman

(3) Each member shall be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties and, in addition, may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

Remunera-  
tion

- Term of office (4) Members of the Board shall hold office during pleasure.
- One member may hear and determine applications (5) One member of the Board is sufficient for the exercise of all the jurisdiction and powers of the Board and his decision on an application shall be the decision of the Board.
- Assignment of members (6) The chairman shall from time to time assign the members of the Board to its various sittings and may change such assignments at any time.
- Procedure 1971, c. 47 (7) Subject to the provisions of *The Statutory Powers Procedure Act, 1971*, the Board may determine its own procedure for the conduct of hearings.
- Appeal to Board **11.**—(1) A landlord or tenant who has appeared at a hearing held by a Rent Review Officer may appeal from the decision of the Rent Review Officer to the Board.
- Notice of appeal (2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board not later than fifteen days of the date of the notice of the Rent Review Officer's decision and shall be given to any other party who appeared at the hearing not later than thirty days after the filing of the notice with the Board.
- Where appeal to be heard (3) Where an appeal is brought, the Board shall hear the appeal at a location situate within the region in which the proceedings were commenced.
- Procedure and power of Board (4) On an appeal, the Board shall proceed by way of a hearing *de novo* and after the hearing the Board may,
- (a) affirm the decision of the Rent Review Officer; or
  - (b) make any other decision the Rent Review Officer is authorized to make under this Act, and for such purposes the Board may substitute its opinion for that of the Rent Review Officer.
- Decision final (5) The decision of the Board under subsection 4 is final and not subject to appeal.
- Exclusions from Act **12.** This Act does not apply to residential premises,
- (a) owned or operated by the Government of Canada, the Government of Ontario, or by an agency of either of them;

- (b) situate in a non-profit, limited dividend or public housing project, rent increases for which are subject to the approval of the Government of Canada or of Ontario;
- (c) situate in a residential building that contains four or fewer residential premises;
- (d) in respect of which the rent payable, prior to the 30th day of July, 1975, was more than \$500 per month;
- (e) situate in a hotel, motel or vacation home and rented for a seasonal or temporary period not exceeding four months;
- (f) situate in a building, no part of which was occupied as residential premises before the 1st day of January, 1976;
- (g) of such class or classes as may from time to time be designated by the regulations.

**13.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the percentage amount in respect of rent increases for the purposes of subsection 2 of section 4;
- (b) prescribing forms and providing for their use;
- (c) designating any class or classes of residential premises to which this Act does not apply;
- (d) prescribing matters in addition to those mentioned in subsection 2 of section 5 that shall be considered by the Rent Review Officer;
- (e) prescribing the manner of making application to a Rent Review Officer or of appealing to the Board;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**14.—(1)** Any notice or application required or permitted to be given under this Act, Services of notices, etc.

- (a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord

R.S.O. 1970,  
c. 236

at the address posted under section 104 of *The Landlord and Tenant Act*; or

- (b) by a landlord to a tenant, is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, the notice or application may be given,
- (i) by handing it to an apparently adult person on the tenant's premises,
  - (ii) by posting it up in a conspicuous place upon some part of the premises, or
  - (iii) by sending it by registered mail to the tenant at the address where he resides.

Idem

(2) Where an application is sent by mail, it shall be deemed to have been received on the fifth day after the date of mailing.

Penalties

**15.** Any person who knowingly contravenes section 3, subsection 1 or 2 of section 4, or section 8, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Moneys

**16.** The moneys required for the administration of this Act shall, until the 31st day of March, 1976, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Administra-  
tion of Act

**17.—(1)** The Minister is responsible for the administration of this Act.

Staff

(2) Such officers, clerks and servants as the Minister considers necessary from time to time for the purposes of this Act may be appointed under *The Public Service Act*.

R.S.O. 1970,  
c. 386

Professional  
assistance

(3) The Minister may engage persons to provide professional, technical or other assistance to Rent Review Officers, the Board, or persons appearing before a Rent Review Officer or the Board.

Commence-  
ment and  
expiry

**18.** This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 1st day of August, 1977.

**19.** This Act may be cited as *The Residential Premises* Short title  
*Rent Review Act, 1975 (2nd Session)*.







An Act to provide for the  
Review of Rents in respect of  
Residential Premises

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*1st Reading*

November 6th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. J. R. RHODES  
Minister of Housing

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*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for the  
Review of Rents in respect of Residential Premises**

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THE HON. J. R. RHODES  
Minister of Housing

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The Bill establishes limits on the amounts by which rents charged for residential premises may be increased during the period from July 29th, 1975 to August 1st, 1977.

Among the principal features of the Bill are the following:

1. In respect of leases granting or renewing a right of occupancy between July 29th, 1975 and January 1st, 1976, the maximum increase in rent permitted to be charged during that period is 8 per cent more than the rent charged prior to July 29th, 1975. Any rent paid during that period that is in excess of the 8 per cent limit must be repaid by the landlord to the tenant. However, a landlord may apply for a rent increase above the 8 per cent level or a tenant may apply to have a rent increase reduced below 8 per cent.
2. The maximum permitted increase of 8 per cent above that charged prior to July 29th, 1975, continues to apply to rents charged for the period between January 1st, 1976 and August 1st, 1976. During that period also a landlord may apply for a rent increase above the 8 per cent level or a tenant may apply to have a rent increase reduced below 8 per cent.
3. In respect of leases granting or renewing a right of occupancy between August 1st, 1976 and August 1st, 1977, the maximum permitted percentage increase will be that established by order of the Lieutenant Governor in Council.
4. Tenants may not sublet residential premises for a greater rent than that lawfully charged the tenant by his landlord.
5. For the purposes of the Act, regions will be established throughout the Province in each of which regions one or more Rent Review Officers will be located.
6. After January 1st, 1976, a tenant may apply to a Rent Review Officer requiring the landlord to justify the amount of any rent increase; conversely, a landlord may apply to a Rent Review Officer for a rent increase that exceeds the permitted percentage.
7. A Residential Premises Rent Review Board is established to hear appeals from decisions of Rent Review Officers. The Board will hold its hearing on any appeal at a location situate in the region where the proceedings were commenced. The decision of the Rent Review Board on any appeal will be final.
8. The Bill provides for fines of up to \$2,000 for the contravention of certain provisions of the Bill by either landlords or tenants.

**An Act to provide for  
the Review of Rents in respect of  
Residential Premises**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Board" means the Residential Premises Rent Review Board established under this Act;

(b) "building" includes any number of residential premises that are structurally joined together, whether or not any such individual residential premises is capable of standing alone should the residential premises that it adjoins be demolished;

(c) "landlord" includes lessor, owner, the person giving or permitting the occupation of the premises in question and his or their heirs and assigns and legal representatives;

(d) "Minister" means the Minister of Housing, or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;

(e) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

(f) "project" means any number of adjacent residential premises that are situate on a common site of land whether contained in one building or more than one building;

- (g) "regulations" means the regulations made under this Act;
- (h) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant for occupancy of residential premises and for any service, privilege, accommodation or thing that the landlord provides for the tenant, whether or not a separate charge is made for such service, privilege, accommodation or thing;
- (i) "Rent Review Officer" means a Rent Review Officer appointed under section 2 of this Act;
- (j) "residential premises" means,
- (i) any premises used or intended to be used for residential purposes, and
  - (ii) land used as a site for a mobile home used for residential purposes;
- (k) "tenancy agreement" means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

Rent Review Officers

2.—(1) The Lieutenant Governor in Council may appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act.

Remuneration

(2) Each Rent Review Officer shall be reimbursed for his reasonable travelling expenses and out-of-pocket expenses necessarily incurred by him in the discharge of his duties and in addition may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

Powers of Minister

(3) The Minister may, by order, establish regions in Ontario and may from time to time designate one or more Rent Review Officers to exercise the powers conferred and duties imposed upon a Rent Review Officer, in each such region.

Municipality may appoint Rent Review Officers

(4) A municipality may, on the approval of the Minister, appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act within that municipality.

Application of s. 19

(5) Where a municipality has appointed Rent Review Officers under subsection 4, it may exercise such of the

powers of the Minister under section 19 as are applicable to the Rent Review Officer and to hearings before him.

3. This Act applies to tenancies of residential premises notwithstanding any other Act and notwithstanding any agreement or waiver to the contrary, except as specifically provided in this Act. Application of Act

4.—(1) Notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, no landlord shall charge that tenant for any rental payment period between those dates, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975. Maximum permitted increase in rent between July 29, 1975 and January 1, 1976

(2) Unless a landlord brings an application under subsection 7 or a tenant brings an application under subsection 8, where rent is paid by a tenant to a landlord in respect of any rental period between the dates mentioned in subsection 1 that is in excess of the amount permitted under that subsection, the landlord shall, within sixty days of the day this Act receives Royal Assent, pay to the tenant the amount of the excess rent paid. Recovery of excess rent paid

(3) Where a landlord fails to pay to the tenant entitled thereto the amount of excess rent that is due within the time limited in subsection 2, the Rent Review Officer for the region in which the premises are situate, shall, on the application of the tenant, determine the amount that is due and shall order the payment of the amount by the landlord to the tenant within five clear days of the date of the order, and, where a landlord fails to comply with the order, the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent and so continue until the full amount of the order has been satisfied. Idem

(4) Subsection 4 of section 7 applies, *mutatis mutandis*, to an order made under subsection 3. Application of s. 7 (4)

(5) Nothing in this section or in section 5 prevents the charging by a landlord of a rental increase greater than 8 per cent under a tenancy agreement for any period between the dates set out in subsection 1 where the land- Agreements re rental increases

lord and the tenant so agree within thirty days of the day this Act receives Royal Assent, provided however, the tenant may revoke such agreement by serving a notice of revocation on the landlord within thirty days of the making of the agreement.

Where premises rented for first time, basis of future rent determinations

(6) Where residential premises not situate in a building to which clause *c* of section 14 applies, and not previously rented as residential premises, become first rented under a tenancy agreement whereunder occupancy is granted for any period commencing after the 29th day of July, 1975, for the purposes of subsection 1 of this section and subsections 1 and 2 of section 5, the rent charged for the first full month under such tenancy agreement shall form the basis on which future determinations of rent shall be made under this Act.

Application by landlord for increase in rent

(7) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 29th day of July, 1975, and the 1st day of January, 1976, he may, not later than the 31st day of January, 1976 apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application by tenant to require justification of increase

(8) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 31st day of December, 1975, wishes to dispute the amount of a rent increase for any period or periods of occupancy between the 29th day of July, 1975 and the 1st day of January, 1976, and whether or not such increase is within the limits set out in subsection 1, he may, not later than the 31st day of January, 1976, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the rent increase and subsection 5 of section 5 applies *mutatis mutandis*.

Recovery of excess rent paid

(9) Where the Rent Review Officer approves an increase in rent on an application brought under subsection 7



that is less than that provided in the tenancy agreement, or where the Rent Review Officer reduces the rent payable on an application brought under subsection 8, the landlord shall, within ten days of the day the Rent Review Officer gives his decision, pay to the tenant the amount of excess rent paid during the period between the dates set out in subsection 1, and where the landlord fails to pay the tenant within the ten day period, subsection 3 applies *mutatis mutandis*.

5.—(1) Except as provided in subsection 3, and notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1976, no landlord shall charge that tenant for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1976, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975.

Maximum permitted increase in rent between January 1, 1976 and August 1, 1976

(2) Except as provided in subsection 3, notwithstanding the terms of any tenancy agreement giving a tenant a right to occupy or to renew the occupancy of residential premises for any period commencing on or after the 1st day of August, 1976, and before the 1st day of August, 1977, no landlord shall charge a tenant for any rental period between those dates an amount of rent for that residential premises which exceeds the last rent which was lawfully charged for an equivalent rental period under the immediately preceding tenancy agreement of the residential premises previous to the 1st day of August, 1976, by a percentage amount to be determined not later than the 1st day of April, 1976, by the Lieutenant Governor in Council.

Maximum permitted increase in rent between August 1, 1976 and August 1, 1977

(3) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 or 2 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1977, he may at least sixty days prior to the commencement or renewal of the tenancy agreement with respect thereto, or in the case where entitlement to occupancy under the

Application by landlord for increase in rent

tenancy agreement occurred on or after the 30th day of July, 1975, and on or before the 29th day of February, 1976, not later than the 31st day of January, 1976, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for or provided for under the tenancy agreement, as the case may be, and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application  
by tenant  
to require  
justification  
of increase

(4) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1977, wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer, for any period or periods of occupancy between the 1st day of January, 1976, and the 31st day of July, 1977, and whether or not such increase is within the limits set out in subsections 1 and 2, he may, not later than sixty days after he receives notice of the increase, or before the 31st day of January, 1976, whichever last occurs, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase.

Procedure by  
landlord

(5) The landlord shall, within fifteen days of his receipt of a notice from a tenant under subsection 4, either,

(a) reduce the rent increase to an amount agreed upon by himself and the tenant provided that the amount of the increase does not exceed the limits set out in subsections 1 and 2; or

(b) file an application in the form and manner prescribed in the regulations with the Rent Review Officer for the region in which the premises are situate, setting forth the particulars which he claims justify such increase, and may in such application apply for a greater increase than that set forth in his original notice of increase to the tenant, provided that if the landlord has already filed an application under subsection 3 and has given a copy thereof to the tenant, he need file no further application under this subsection.


Copy of  
application

(6) Where a landlord files an application under clause b of subsection 5, he shall forthwith give to the tenant a copy of the application.

(7) Where a landlord fails to either reduce the rent <sup>Application for order</sup> increase under clause *a* of subsection 5 or to apply to the <sup>declaring increase</sup> Rent Review Officer under clause *b* of subsection 5 within <sup>null and void</sup> the fifteen-day period mentioned in subsection 5, the tenant may apply to the Rent Review Officer for an order declaring the proposed increase in rent to be null and void.

(8) The Rent Review Officer shall, within ten clear days <sup>Notice of hearing</sup> of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application.

(9) Where more than one tenant in the same building or <sup>Common date for hearing</sup> project has received notice of rent increase, and has required that the landlord apply to the Rent Review Officer to justify such increase, or where a landlord has applied to the Rent Review Officer under subsection 3 for approval of an increase respecting the occupancy of several tenants in the same building or project, the Rent Review Officer may in his discretion fix a common date for the hearing of all such applications.

 (10) A landlord shall, together with his application for a <sup>Landlord to file list of all residential premises in building or project</sup> rent increase or for a rent increase justification under subsection 3 or 4, file with the Rent Review Officer a list of all the residential premises in the building or project in which the subject residential premises are situate, together with the present rent charged and the termination or renewal date of each.

(11) The Rent Review Officer, prior to giving written <sup>Power of Rent Review Officer to order applications to be filed</sup> notice of hearing to the landlord and the tenant under subsection 8 may, in his discretion, order the landlord to file applications for settlement of rents to be charged for any or all of the remaining residential premises in the building or project if and when such residential premises are relet or renewed within the current rent review period under subsection 1 or 2.

(12) Where the Rent Review Officer makes an order under <sup>Rent Review Officer to fix common date for hearings</sup> subsection 11, the landlord shall thereupon apply for the settlement of rents for such units in the form prescribed by the regulations and shall give copies thereof to the respective tenants occupying such premises and the Rent Review Officer shall thereupon fix a common date for the hearing of all such applications.

(13) Where the Rent Review Officer has given notice of a <sup>Material to be made available</sup> hearing of an application under subsection 8 or 12, he shall make available to all parties to the hearing all material

filed with him in connection with that application together with any information which he requests from any party.

Idem

(14) Material to be made available under subsection 13 includes any books, records or other information supporting an application or requested by the Rent Review Officer.

Notice of justification for rent increase  
R.S.O. 1970, c. 236

6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall at the same time supply the tenant receiving the same with a notice of justification for the increase in the form prescribed by the regulations.

Procedure at hearing

7.—(1) The Rent Review Officer may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the most expeditious method of determining the questions arising before him that afford to all parties to the proceedings an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Matters to be considered by Rent Review Officer

(2) In determining the questions arising before him on an applications, the Rent Review Officer shall consider,

- (a) any increase in rent for the residential premises which took effect in the year 1974 or on or before the 29th day of July in the year 1975;
- (b) whether or not the increase in rent sought by the landlord is necessary in order to prevent the landlord sustaining a financial loss in the operation of the building in which the residential premises are situate; and
- (c) such other matters as may be prescribed by the regulations.

Powers of Rent Review Officer

(3) After hearing the application, the Rent Review Officer may,

- (a) approve the amount of the increase sought by the landlord if he is satisfied that increased operating costs and capital expenses justify the amount of the rent increase;
- (b) order that the landlord reduce the amount of the rent increase to such lesser amount as he may specify;

(c) order the landlord to repay to the tenant within five clear days of the date of the order rent paid in excess of the amount which he has fixed in his order under clause b, and where the landlord fails to comply with the order the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent;

(d) order the tenant to pay to the landlord any amount of money owing to him by reason of the decision of the Rent Review Officer; or

(e) order the landlord to reduce the amount of the rent payable from the day of the order to such lesser amount as he may specify,

and shall give a copy of his order together with written reasons for his decision to all the parties who appeared on the hearing. Reasons

(4) On the request of any party to the proceedings, the Rent Review Officer shall file a copy of any order made by him under subsection 3 in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto. Final decision may be filed in Supreme Court 1971, c. 47

(5) Except as provided in subsection 4, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the Rent Review Officer. 1971, c. 47, not to apply

(6) A Rent Review Officer for the purposes of a hearing before him has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such hearing as if it were an inquiry under that Act. Application of 1971, c. 49

8. Until such time as the Rent Review Officer renders his decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer

9. For the purposes of this Act, unless the Rent Review Officer otherwise determines, where a landlord discontinues a service, privilege, accommodation or thing and such discontinuance results in a reduction of the tenant's use and enjoyment of the residential premises, the value of such discontinued service, privilege, accommodation or thing shall be deemed to be a rent increase. Deemed rent increase

10. No tenant shall,

Subletting and assignment

- (a) sublet the balance of his term under a tenancy agreement for a consideration that is greater than the rent that is lawfully charged by the landlord under this Act; or
- (b) charge any consideration for an assignment of his tenancy agreement.

Additional powers of Rent Review Officer

**11.** In addition to his other jurisdiction under this Act, the Rent Review Officer may, upon the application of any landlord, tenant or sub-tenant of residential premises, hold a hearing and determine whether,

- (a) the discontinuance of a service, privilege, accommodation or thing by the landlord has resulted in a reduction in a tenant's use and enjoyment of residential premises and constitutes an increase in rent;
- (b) a sub-tenant under a tenancy agreement of residential premises has been charged a rental increase which is prohibited by section 10; or
- (c) this Act applies to particular residential premises,

and may order,

- (d) in the case mentioned in clause *a*, a reduction in the rent to be paid by the tenant;
- (e) in the case mentioned in clause *b*, that the increase be repaid to the sub-tenant by the tenant; or
- (f) in the case mentioned in clause *c*, that this Act does or does not apply to the residential premises.

Residential Premises Rent Review Board established

**12.**—(1) A board to be known as the Residential Premises Rent Review Board is established composed of such number of members as the Lieutenant Governor in Council may appoint and of the total number of members appointed, at least one-half shall be persons representative of tenants.

Chairman

(2) One of the members shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Remuneration

(3) Each member shall be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties and, in addition, may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

(4) Members of the Board shall hold office during pleasure. Term of office

(5) Two members of the Board, one of whom shall be representative of tenants constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board and their decision on an application shall be the decision of the Board. Quorum

(6) The chairman shall from time to time assign the members of the Board to its various sittings and may change such assignments at any time. Assignment of members

(7) Subject to the provisions of *The Statutory Powers Procedure Act, 1971*, the Board may determine its own procedure for the conduct of hearings. Procedure 1971, c. 47

**13.—**(1) A landlord or tenant who has appeared at a hearing held by a Rent Review Officer may appeal from the decision of the Rent Review Officer to the Board. Appeal to Board

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board not later than fifteen days of the date of the order of the Rent Review Officer and shall be given to any other party who was entitled to appear at the hearing not later than thirty days after the filing of the notice with the Board. Notice of appeal

(3) Where an appeal is brought, the Board shall hear the appeal at a location situate within the region in which the proceedings were commenced. Where appeal to be heard

(4) On an appeal, the Board shall proceed by way of a hearing *de novo* and after the hearing the Board may, Procedure and power of Board

(a) affirm the decision of the Rent Review Officer; or

(b) make any other decision the Rent Review Officer is authorized to make under this Act, and for such purposes the Board may substitute its opinion for that of the Rent Review Officer.

(5) The decision of the Board under subsection 4 is final and not subject to appeal. Decision final

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer that has previously been filed under subsection 4 of section 7, the Application of s. 7(4)

order previously filed as so varied may be enforced in the same manner as the original order.

Exclusions  
from Act

14.—(1) This Act does not apply to residential premises,

(a) situate in a non-profit housing project, rents for which are subject to the approval of the Government of Ontario or of Canada, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada).

R.S.C. 1970,  
c. N-10

(b) situate in a hotel, motel or vacation home and rented for a seasonal or temporary period not exceeding four months;

(c) situate in a building, no part of which was occupied as residential premises before the 1st day of January, 1976.

Application  
of Act

(2) This Act does not apply to tenancy agreements for residential premises in respect of which the Government of Ontario or an agency thereof is providing financial assistance for the benefit of the tenant occupying the premises by way of assistance in the payment of rent to the landlord under clause *f* of subsection 1 of section 2 of *The Housing Development Act*, but this Act does apply to the amount of rent which may be charged by the landlord for such residential premises.

R.S.O. 1970,  
c. 213

Regulations

15.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the percentage amount in respect of rent increases for the purposes of subsection 2 of section 5;

(b) prescribing forms and providing for their use;

(c) prescribing matters in addition to those mentioned in subsection 2 of section 7 that shall be considered by the Rent Review Officer;

(d) prescribing the manner of making application to a Rent Review Officer or of appealing to the Board;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Agreement  
to be in  
prescribed  
form

(2) No agreement between a landlord and a tenant under subsection 5 of section 4 shall have any effect unless the agreement is in the form prescribed in the regulations.



**16.**—(1) Any notice or application required or permitted to be given under this Act, Services of notices, etc.

(a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 104 of *The Landlord and Tenant Act*; or R.S.O. 1970, c. 236

(b) by a landlord to a tenant, is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, the notice or application may be given,

(i) by handing it to an apparently adult person on the tenant's premises,

(ii) by posting it up in a conspicuous place upon some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where he resides.

(2) Where an application is sent by mail, it shall be deemed to have been received on the fifth day after the date of mailing. Idem

**17.** Any person who knowingly contravenes section 4, subsection 1 or 2 of section 5, or section 10, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Penalties

**18.** The moneys required for the administration of this Act shall, until the 31st day of March, 1976, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature. Moneys

**19.**—(1) The Minister is responsible for the administration of this Act. Administration of Act

(2) Such officers, clerks and servants as the Minister considers necessary from time to time for the purposes of this Act may be appointed under *The Public Service Act*. Staff R.S.O. 1970, c. 386

(3) The Minister may engage persons to provide professional, technical or other assistance to Rent Review Officers, the Board, or persons appearing before a Rent Review Officer or the Board. Professional assistance

Commence-  
ment and  
expiry

**20.** This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 1st day of August, 1977.

Short title

**21.** This Act may be cited as *The Residential Premises Rent Review Act, 1975 (2nd Session)*.







An Act to provide for the  
Review of Rents in respect of  
Residential Premises

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*1st Reading*

November 6th, 1975

*2nd Reading*

November 20th, 1975

*3rd Reading*

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THE HON. J. R. RHODES  
Minister of Housing

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 20**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for the  
Review of Rents in respect of Residential Premises**

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THE HON. J. R. RHODES  
Minister of Housing

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**An Act to provide for  
the Review of Rents in respect of  
Residential Premises**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Board" means the Residential Premises Rent Review Board established under this Act;
- (b) "building" includes any number of residential premises that are structurally joined together, whether or not any such individual residential premises is capable of standing alone should the residential premises that it adjoins be demolished;
- (c) "landlord" includes lessor, owner, the person giving or permitting the occupation of the premises in question and his or their heirs and assigns and legal representatives;
- (d) "Minister" means the Minister of Housing, or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (e) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (f) "project" means any number of adjacent residential premises that are situate on a common site of land whether contained in one building or more than one building;

- (g) "regulations" means the regulations made under this Act;
- (h) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant for occupancy of residential premises and for any service, privilege, accommodation or thing that the landlord provides for the tenant, whether or not a separate charge is made for such service, privilege, accommodation or thing;
- (i) "Rent Review Officer" means a Rent Review Officer appointed under section 2 of this Act;
- (j) "residential premises" means,
- (i) any premises used or intended to be used for residential purposes, and
  - (ii) land used as a site for a mobile home used for residential purposes;
- (k) "tenancy agreement" means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

Rent Review  
Officers

2.—(1) The Lieutenant Governor in Council may appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act.

Remunera-  
tion

(2) Each Rent Review Officer shall be reimbursed for his reasonable travelling expenses and out-of-pocket expenses necessarily incurred by him in the discharge of his duties and in addition may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

Powers of  
Minister

(3) The Minister may, by order, establish regions in Ontario and may from time to time designate one or more Rent Review Officers to exercise the powers conferred and duties imposed upon a Rent Review Officer, in each such region.

Municipality  
may appoint  
Rent Review  
Officers

(4) A municipality may, on the approval of the Minister, appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act within that municipality.

Application  
of s. 19

(5) Where a municipality has appointed Rent Review Officers under subsection 4, it may exercise such of the

powers of the Minister under section 19 as are applicable to the Rent Review Officer and to hearings before him.

3. This Act applies to tenancies of residential premises notwithstanding any other Act and notwithstanding any agreement or waiver to the contrary, except as specifically provided in this Act. Application of Act

4.—(1) Notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, no landlord shall charge that tenant for any rental payment period between those dates, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975. Maximum permitted increase in rent between July 29, 1975 and January 1, 1976

(2) Unless a landlord brings an application under subsection 7 or a tenant brings an application under subsection 8, where rent is paid by a tenant to a landlord in respect of any rental period between the dates mentioned in subsection 1 that is in excess of the amount permitted under that subsection, the landlord shall, within sixty days of the day this Act receives Royal Assent, pay to the tenant the amount of the excess rent paid. Recovery of excess rent paid

(3) Where a landlord fails to pay to the tenant entitled thereto the amount of excess rent that is due within the time limited in subsection 2, the Rent Review Officer for the region in which the premises are situate, shall, on the application of the tenant, determine the amount that is due and shall order the payment of the amount by the landlord to the tenant within five clear days of the date of the order, and, where a landlord fails to comply with the order, the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent and so continue until the full amount of the order has been satisfied. Idem

(4) Subsection 4 of section 7 applies, *mutatis mutandis*, to an order made under subsection 3. Application of s. 7 (4)

(5) Nothing in this section or in section 5 prevents the charging by a landlord of a rental increase greater than 8 per cent under a tenancy agreement for any period between the dates set out in subsection 1 where the land- Agreements re rental increases

lord and the tenant so agree within thirty days of the day this Act receives Royal Assent, provided however, the tenant may revoke such agreement by serving a notice of revocation on the landlord within thirty days of the making of the agreement.

Where premises rented for first time, basis of future rent determinations

(6) Where residential premises not situate in a building to which clause *c* of section 14 applies, and not previously rented as residential premises, become first rented under a tenancy agreement whereunder occupancy is granted for any period commencing after the 29th day of July, 1975, for the purposes of subsection 1 of this section and subsections 1 and 2 of section 5, the rent charged for the first full month under such tenancy agreement shall form the basis on which future determinations of rent shall be made under this Act.

Application by landlord for increase in rent

(7) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 29th day of July, 1975, and the 1st day of January, 1976, he may, not later than the 31st day of January, 1976 apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application by tenant to require justification of increase

(8) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, wishes to dispute the amount of a rent increase for any period or periods of occupancy between the 29th day of July, 1975 and the 1st day of January, 1976, and whether or not such increase is within the limits set out in subsection 1, he may, not later than the 31st day of January, 1976, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the rent increase and subsection 5 of section 5 applies *mutatis mutandis*.

Recovery of excess rent paid

(9) Where the Rent Review Officer approves an increase in rent on an application brought under subsection 7

that is less than that provided in the tenancy agreement, or where the Rent Review Officer reduces the rent payable on an application brought under subsection 8, the landlord shall, within ten days of the day the Rent Review Officer gives his decision, pay to the tenant the amount of excess rent paid during the period between the dates set out in subsection 1, and where the landlord fails to pay the tenant within the ten day period, subsection 3 applies *mutatis mutandis*.

5.—(1) Except as provided in subsection 3, and notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1976, no landlord shall charge that tenant for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1976, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975.

Maximum permitted increase in rent between January 1, 1976 and August 1, 1976

(2) Except as provided in subsection 3, notwithstanding the terms of any tenancy agreement giving a tenant a right to occupy or to renew the occupancy of residential premises for any period commencing on or after the 1st day of August, 1976, and before the 1st day of August, 1977, no landlord shall charge a tenant for any rental period between those dates an amount of rent for that residential premises which exceeds the last rent which was lawfully charged for an equivalent rental period under the immediately preceding tenancy agreement of the residential premises previous to the 1st day of August, 1976, by a percentage amount to be determined not later than the 1st day of April, 1976, by the Lieutenant Governor in Council.

Maximum permitted increase in rent between August 1, 1976 and August 1, 1977

(3) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 or 2 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1977, he may at least sixty days prior to the commencement or renewal of the tenancy agreement with respect thereto, or in the case where entitlement to occupancy under the

Application by landlord for increase in rent

tenancy agreement occurred on or after the 30th day of July, 1975, and on or before the 29th day of February, 1976, not later than the 31st day of January, 1976, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for or provided for under the tenancy agreement, as the case may be, and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application  
by tenant  
to require  
justification  
of increase

(4) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1977, wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer, for any period or periods of occupancy between the 1st day of January, 1976, and the 31st day of July, 1977, and whether or not such increase is within the limits set out in subsections 1 and 2, he may, not later than sixty days after he receives notice of the increase, or before the 31st day of January, 1976, whichever last occurs, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase.

Procedure by  
landlord

(5) The landlord shall, within fifteen days of his receipt of a notice from a tenant under subsection 4, either,

- (a) reduce the rent increase to an amount agreed upon by himself and the tenant provided that the amount of the increase does not exceed the limits set out in subsections 1 and 2; or
- (b) file an application in the form and manner prescribed in the regulations with the Rent Review Officer for the region in which the premises are situate, setting forth the particulars which he claims justify such increase, and may in such application apply for a greater increase than that set forth in his original notice of increase to the tenant, provided that if the landlord has already filed an application under subsection 3 and has given a copy thereof to the tenant, he need file no further application under this subsection.

Copy of  
application

(6) Where a landlord files an application under clause *b* of subsection 5, he shall forthwith give to the tenant a copy of the application.

(7) Where a landlord fails to either reduce the rent increase under clause *a* of subsection 5 or to apply to the Rent Review Officer under clause *b* of subsection 5 within the fifteen-day period mentioned in subsection 5, the tenant may apply to the Rent Review Officer for an order declaring the proposed increase in rent to be null and void.

Application  
for order  
declaring  
increase  
null and  
void

(8) The Rent Review Officer shall, within ten clear days of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application.

Notice of  
hearing

(9) Where more than one tenant in the same building or project has received notice of rent increase, and has required that the landlord apply to the Rent Review Officer to justify such increase, or where a landlord has applied to the Rent Review Officer under subsection 3 for approval of an increase respecting the occupancy of several tenants in the same building or project, the Rent Review Officer may in his discretion fix a common date for the hearing of all such applications.

Common  
date for  
hearing

(10) A landlord shall, together with his application for a rent increase or for a rent increase justification under subsection 3 or 4, file with the Rent Review Officer a list of all the residential premises in the building or project in which the subject residential premises are situate, together with the present rent charged and the termination or renewal date of each.

Landlord to  
file list of all  
residential  
premises in  
building or  
project

(11) The Rent Review Officer, prior to giving written notice of hearing to the landlord and the tenant under subsection 8 may, in his discretion, order the landlord to file applications for settlement of rents to be charged for any or all of the remaining residential premises in the building or project if and when such residential premises are relet or renewed within the current rent review period under subsection 1 or 2.

Power of  
Rent Review  
Officer to  
order  
applications  
to be filed

(12) Where the Rent Review Officer makes an order under subsection 11, the landlord shall thereupon apply for the settlement of rents for such premises in the form prescribed by the regulations and shall give copies thereof to the respective tenants occupying such premises and the Rent Review Officer shall thereupon fix a common date for the hearing of all such applications.

Rent Review  
Officer to fix  
common date  
for hearings

(13) Where the Rent Review Officer has given notice of a hearing of an application under subsection 8 or 12, he shall make available to all parties to the hearing all material

Material to  
be made  
available

filed with him in connection with that application together with any information which he requests from any party.

Idem

(14) Material to be made available under subsection 13 includes any books, records or other information supporting an application or requested by the Rent Review Officer.

Notice of  
justification  
for rent  
increase  
R.S.O. 1970,  
c. 236

6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall at the same time supply the tenant receiving the same with a notice of justification for the increase in the form prescribed by the regulations.

Procedure  
at hearing

7.—(1) The Rent Review Officer may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the most expeditious method of determining the questions arising before him that afford to all parties to the proceedings an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Matters to  
be considered  
by Rent  
Review  
Officer

(2) In determining the questions arising before him on an applications, the Rent Review Officer shall consider,

- (a) any increase in rent for the residential premises which took effect in the year 1974 or on or before the 29th day of July in the year 1975;
- (b) whether or not the increase in rent sought by the landlord is necessary in order to prevent the landlord sustaining a financial loss in the operation of the building in which the residential premises are situate; and
- (c) such other matters as may be prescribed by the regulations.

Powers of  
Rent Review  
Officer

(3) After hearing the application, the Rent Review Officer may,

- (a) approve the amount of the increase sought by the landlord if he is satisfied that increased operating costs and capital expenses justify the amount of the rent increase;
- (b) order that the landlord reduce the amount of the rent increase to such lesser amount as he may specify;



- (c) order the landlord to repay to the tenant within five clear days of the date of the order rent paid in excess of the amount which he has fixed in his order under clause *b*, and where the landlord fails to comply with the order the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent;
- (d) order the tenant to pay to the landlord any amount of money owing to him by reason of the decision of the Rent Review Officer; or
- (e) order the landlord to reduce the amount of the rent payable from the day of the order to such lesser amount as he may specify,

and shall give a copy of his order together with written reasons for his decision to all the parties who appeared on the hearing. Reasons

(4) On the request of any party to the proceedings, the Rent Review Officer shall file a copy of any order made by him under subsection 3 in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto. Final decision may be filed in Supreme Court  
1971, c. 47

(5) Except as provided in subsection 4, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the Rent Review Officer. 1971, c. 47,  
not to apply

(6) A Rent Review Officer for the purposes of a hearing before him has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such hearing as if it were an inquiry under that Act. Application of  
1971, c. 49

**8.** Until such time as the Rent Review Officer renders his decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer

**9.** For the purposes of this Act, unless the Rent Review Officer otherwise determines, where a landlord discontinues a service, privilege, accommodation or thing and such discontinuance results in a reduction of the tenant's use and enjoyment of the residential premises, the value of such discontinued service, privilege, accommodation or thing shall be deemed to be a rent increase. Deemed rent increase

**10.** No tenant shall,

Subletting  
and  
assignment

- (a) sublet the balance of his term under a tenancy agreement for a consideration that is greater than the rent that is lawfully charged by the landlord under this Act; or
- (b) charge any consideration for an assignment of his tenancy agreement.

Additional powers of Rent Review Officer

**11.** In addition to his other jurisdiction under this Act, the Rent Review Officer may, upon the application of any landlord, tenant or sub-tenant of residential premises, hold a hearing and determine whether,

- (a) the discontinuance of a service, privilege, accommodation or thing by the landlord has resulted in a reduction in a tenant's use and enjoyment of residential premises and constitutes an increase in rent;
- (b) a sub-tenant under a tenancy agreement of residential premises has been charged a rental increase which is prohibited by section 10; or
- (c) this Act applies to particular residential premises,

and may order,

- (d) in the case mentioned in clause *a*, a reduction in the rent to be paid by the tenant;
- (e) in the case mentioned in clause *b*, that the increase be repaid to the sub-tenant by the tenant; or
- (f) in the case mentioned in clause *c*, that this Act does or does not apply to the residential premises.

Residential Premises Rent Review Board established

**12.—(1)** A board to be known as the Residential Premises Rent Review Board is established composed of such number of members as the Lieutenant Governor in Council may appoint and of the total number of members appointed, at least one-half shall be persons representative of tenants.

Chairman

(2) One of the members shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Remuneration

(3) Each member shall be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties and, in addition, may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

(4) Members of the Board shall hold office during pleasure. Term of office

(5) Two members of the Board, one of whom shall be representative of tenants, constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board and their decision on an application shall be the decision of the Board. Quorum

(6) The chairman shall from time to time assign the members of the Board to its various sittings and may change such assignments at any time. Assignment of members

(7) Subject to the provisions of *The Statutory Powers Procedure Act, 1971*, the Board may determine its own procedure for the conduct of hearings. Procedure 1971, c. 47

**13.—**(1) A landlord or tenant who has appeared at a hearing held by a Rent Review Officer may appeal from the decision of the Rent Review Officer to the Board. Appeal to Board

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board not later than fifteen days of the date of the order of the Rent Review Officer and shall be given to any other party who was entitled to appear at the hearing not later than thirty days after the filing of the notice with the Board. Notice of appeal

(3) Where an appeal is brought, the Board shall hear the appeal at a location situate within the region in which the proceedings were commenced. Where appeal to be heard

(4) On an appeal, the Board shall proceed by way of a hearing *de novo* and after the hearing the Board may, Procedure and power of Board

(a) affirm the decision of the Rent Review Officer; or

(b) make any other decision the Rent Review Officer is authorized to make under this Act, and for such purposes the Board may substitute its opinion for that of the Rent Review Officer.

(5) The decision of the Board under subsection 4 is final and not subject to appeal. Decision final

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer that has previously been filed under subsection 4 of section 7, the Application of s. 7(4)

order previously filed as so varied may be enforced in the same manner as the original order.

Exclusions  
from Act

**14.**—(1) This Act does not apply to residential premises,

- (a) situate in a non-profit housing project, rents for which are subject to the approval of the Government of Ontario or of Canada, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);
- (b) situate in a hotel, motel or vacation home and rented for a seasonal or temporary period not exceeding four months;
- (c) situate in a building, no part of which was occupied as residential premises before the 1st day of January, 1976.

R.S.C. 1970,  
c. N-10

Application  
of Act

(2) This Act does not apply to tenancy agreements for residential premises in respect of which the Government of Ontario or an agency thereof is providing financial assistance for the benefit of the tenant occupying the premises by way of assistance in the payment of rent to the landlord under clause *f* of subsection 1 of section 2 of *The Housing Development Act*, but this Act does apply to the amount of rent which may be charged by the landlord for such residential premises.

R.S.O. 1970,  
c. 213

Regulations

**15.**—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the percentage amount in respect of rent increases for the purposes of subsection 2 of section 5;
- (b) prescribing forms and providing for their use;
- (c) prescribing matters in addition to those mentioned in subsection 2 of section 7 that shall be considered by the Rent Review Officer;
- (d) prescribing the manner of making application to a Rent Review Officer or of appealing to the Board;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Agreement  
to be in  
prescribed  
form

(2) No agreement between a landlord and a tenant under subsection 5 of section 4 shall have any effect unless the agreement is in the form prescribed in the regulations.

**16.**—(1) Any notice or application required or permitted to be given under this Act, Services of notices, etc.

(a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 104 of *The Landlord and Tenant Act*; or R.S.O. 1970, c. 236

(b) by a landlord to a tenant, is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, the notice or application may be given,

(i) by handing it to an apparently adult person on the tenant's premises,

(ii) by posting it up in a conspicuous place upon some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where he resides.

(2) Where an application is sent by mail, it shall be deemed to have been received on the fifth day after the date of mailing. Idem

**17.** Any person who knowingly contravenes section 4, subsection 1 or 2 of section 5, or section 10, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Penalties

**18.** The moneys required for the administration of this Act shall, until the 31st day of March, 1976, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature. Moneys

**19.**—(1) The Minister is responsible for the administration of this Act. Administration of Act

(2) Such officers, clerks and servants as the Minister considers necessary from time to time for the purposes of this Act may be appointed under *The Public Service Act*. Staff R.S.O. 1970, c. 386

(3) The Minister may engage persons to provide professional, technical or other assistance to Rent Review Officers, the Board, or persons appearing before a Rent Review Officer or the Board. Professional assistance

Commence-  
ment and  
expiry

**20.** This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 1st day of August, 1977.

Short title

**21.** This Act may be cited as *The Residential Premises Rent Review Act, 1975 (2nd Session)*.









An Act to provide for the  
Review of Rents in respect of  
Residential Premises

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*1st Reading*

November 6th, 1975

*2nd Reading*

November 20th, 1975

*3rd Reading*

December 18th, 1975

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THE HON. J. R. RHODES  
Minister of Housing

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to establish a Medical Data Bank**

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MR. NEWMAN  
(Windsor-Walkerville)

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#### EXPLANATORY NOTE

The Bill establishes a medical data bank in which would be stored the medical histories of persons in Ontario. The data bank would be of great assistance to doctors and hospitals where a patient moves to another city, changes doctors or is involved in an accident. Participation in the use of the data bank would be on a voluntary basis only.

## An Act to establish a Medical Data Bank

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "medical data bank" means the medical data bank operated and maintained under this Act;

(b) "Ministry" means the Ministry of Health;

(c) "public hospital" means a hospital approved as a public hospital under *The Public Hospitals Act*;

R.S.O. 1970,  
c. 378

(d) "regulations" means the regulations made under this Act.

**2.** The Ministry shall operate and maintain a medical data bank, in the form of a computer, in which shall be stored the information fed into it concerning medical histories.

Medical  
data bank  
established

**3.** Every public hospital shall maintain an outlet of the medical data bank into which may be placed the medical histories of persons using the hospital in the form prescribed by the regulations.

Data bank  
outlet in  
each  
hospital

**4.—(1)** A medical history of a person shall not be stored in the medical data bank without the written consent of the person whose medical history is to be stored.

Consent  
required

(2) The medical history of a person shall not be removed from the medical data bank without the written consent of his legally qualified medical practitioner.

Idem

**5.** Any person may apply to the Ministry directly to have his medical history stored in the medical data bank.

Application  
to Ministry

Ministry  
must file  
medical  
history in  
data bank

**6.** Where a person applies to have his medical history stored in the medical data bank under section 4, the Ministry shall accept the information for storage where it is in the form prescribed by the regulations.

Offence

**7.** Every person who,

- (a) knowingly, furnishes false information in any application under this Act or the regulations;
- (b) fails to comply with any other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Regulations

**8.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the type, form and style of information that may be stored in the medical data bank;
- (b) requiring that persons use their social insurance numbers as identification when using the medical data bank; and
- (c) requiring that information that is fed into the medical data bank be prepared by a legally qualified medical practitioner or under the supervision of a legally qualified medical practitioner at the written request of the individual concerned.

Commence-  
ment

**9.** This Act comes into force on the day it receives Royal Assent.

Short title

**10.** This Act may be cited as *The Medical Data Bank Act, 1975 (2nd Session)*.









An Act to establish  
a Medical Data Bank

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*1st Reading*

November 7th, 1975

*2nd Reading*

*3rd Reading*

---

MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to control  
Professional Fund-raising Corporations**

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MR. NEWMAN (Windsor-Walkerville)

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**EXPLANATORY NOTE**

The Bill provides for the licensing of professional fund-raising corporations.

## An Act to control Professional Fund-raising Corporations

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Commissioner" means the Commissioner of professional fund-raising corporations;
- (b) "Director" means the Director of the Consumer Protection Division of the Ministry;
- (c) "Minister" means the Minister of Consumer and Commercial Relations;
- (d) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (e) "professional fund-raising corporation" means a corporation that has as its objects, the raising of money for non-profit organizations in return for remuneration of any kind and includes a sole proprietorship or partnership which raises money for non-profit organizations in return for remuneration of any kind;
- (f) "regulations" means the regulations made under this Act;
- (g) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act*. R.S.O. 1970,  
c. 113

COMMISSIONER

**2.**—(1) There shall be a Commissioner of professional fund-raising corporations who shall be appointed by the Lieutenant Governor in Council. Commis-  
sioner

Powers  
and duties  
of Com-  
missioner

(2) The Commissioner may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Director.

#### LICENSING

Licensing

**3.**—(1) No person shall engage in business as a professional fund-raising corporation unless he is licensed as a professional fund-raising corporation.

Change in  
partnership

(2) Where a partnership is licensed under subsection 1, any change in the membership of the partnership shall be deemed to create a new partnership for the purpose of licensing.

Licensing,  
exception

**4.**—(1) An applicant is entitled to a licence or renewal of a licence by the Commissioner except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
  - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
  - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations.

Conditions of  
a licence

(2) A licence is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Refusal  
to grant  
a licence

**5.**—(1) Subject to section 9, the Commissioner may refuse to grant a licence to an applicant where in the Commissioner's opinion the applicant is disentitled to a licence under section 4.

(2) Subject to section 6, the Commissioner may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under section 4 if he were an applicant or where the licensee is in breach of a term or condition of the licence. <sup>Revocation</sup>

6.—(1) Where the Commissioner proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee. <sup>Notice of proposal to refuse or revoke</sup>

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under section 1 is served on him, notice in writing requiring a hearing to the Commissioner and the Tribunal, and he may so require such a hearing. <sup>Notice requiring hearing</sup>

(3) Where an applicant or licensee does not require a hearing by the Tribunal in accordance with subsection 2, the Commissioner may carry out the proposal stated in his notice under subsection 1. <sup>Powers of Commissioner where no hearing</sup>

(4) Where an applicant or licensee requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Commissioner at the hearing, may by order direct the Commissioner to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Commissioner ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Commissioner. <sup>Powers of Tribunal where hearing</sup>

(5) The Tribunal may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act. <sup>Conditions of order</sup>

(6) The Commissioner, the applicant or licensee who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. <sup>Parties</sup>

(7) Notwithstanding subsection 1, the Commissioner may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence. <sup>Voluntary cancellation</sup>

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, <sup>Continuation of licence pending renewal</sup>

(a) until the renewal is granted; or

(b) where he is served with notice that the Commissioner proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Order of  
Tribunal  
effective, stay  
R.S.O. 1970,  
c. 113

(9) Notwithstanding that a licensee appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Further  
applications

7. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed.

Investiga-  
tion of  
complaints

8.—(1) Where the Commissioner receives a complaint in respect of a professional fund-raising corporation and so requests in writing, the professional fund-raising corporation shall furnish the Commissioner with such information respecting the matter complained of as the Commissioner requires.

Idem

(2) The request under subsection 1 shall indicate the nature of the inquiry involved.

Idem

(3) For the purposes of subsection 1, the Commissioner or any person designated in writing by him may at any reasonable time enter upon the business premises of the licensee to make an inspection in relation to the complaint.

Inspection

9.—(1) The Commissioner or any person designated by him in writing may at any reasonable time enter upon the business premises of the licensee to make an inspection to ensure that the provisions of this Act and the regulations relating to a licence are being complied with.

Idem

(2) Where the Commissioner has reasonable and probable grounds to believe that any person is acting as a professional fund-raising corporation while not licensed, the Commissioner or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on  
inspection

10.—(1) Upon an inspection under section 8 or 9, the person inspecting,



- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. <sup>Admissibility of copies</sup>

11. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. <sup>Investigations by order of Minister</sup> 1971, c. 49

12.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has, <sup>Investigation by Director</sup>

- (a) contravened any of the provisions of this Act or the regulations; or
- (b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for licensing under this Act, <sup>R.S.C. 1970, c. C-34</sup>

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred, and the person appointed shall report the result of his investigation to the Director.

Powers of  
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

- (a) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and
- (b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction  
of  
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search  
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of  
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books,

papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. <sup>Admissibility of copies</sup>

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4. <sup>Appointment of experts</sup>

**13.**—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 8, 9, 10, 11 or 12, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, <sup>Matters confidential</sup>

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations. <sup>Testimony in civil suit</sup>

**14.** Where, upon the report of an investigation made under subsection 1 of section 13, it appears to the Director that a person may have, <sup>Report</sup>

- (a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,  
c. C-34

- (b) committed an offence, under the *Criminal Code* (Canada) or under the law of any jurisdiction, that is relevant to his fitness for licensing under this Act,

the Director shall send a full and complete report of the investigation, including the report made to him, any transcript or evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to  
refrain from  
dealing with  
assets

**15.—(1) Where,**

- (a) an investigation of any person has been ordered under section 13; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about to be or have been instituted against a person that are connected with or arise out of the business in respect of which such person is registered,

the Director, if he believes it advisable for the protection of clients or customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.O. 1970,  
cc. 228, 89, 53  
R.S.C. 1970,  
cc. B-4, W-11

Bond in  
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970,  
c. 196

in such form, terms and amount as the Director determines.

(3) Any person in receipt of a direction given under sub-section 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just. <sup>Application for direction</sup>

REGULATION OF PROFESSIONAL FUND-RAISING  
CORPORATIONS

**16.**—(1) Every professional fund-raising corporation shall keep a record sheet in the prescribed form and proper books and accounts with respect to his business as a professional fund-raising corporation. <sup>Books, etc., to be kept</sup>

(2) In addition to those records prescribed under subsection 1, every professional fund-raising corporation shall file with the Minister for each fund-raising event undertaken by the corporation a financial statement in the prescribed form showing the amount collected, the expenses of the campaign and the amount turned over to the non-profit organization for which the campaign was conducted. <sup>Idem</sup>

**17.**—(1) Every professional fund-raising corporation shall maintain an account designated as a trust account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys that come into its hands in trust for other persons in connection with its business, and it shall at all times keep such moneys separate and apart from moneys belonging to itself or to the partnership, in the case of a partnership, and shall disburse such moneys only in accordance with the terms of the trust. <sup>Bank account</sup>

(2) Where a professional fund-raising corporation holds moneys in trust for a period of one year after the person for whom it is held first became entitled to payment of the moneys and such person cannot be located, the professional fund-raising corporation shall pay the moneys to the Treasurer of Ontario who shall pay the moneys to the person appearing to the Treasurer to be entitled thereto. <sup>Unclaimed trust moneys</sup>

**18.** Every professional fund-raising corporation shall be bonded in the form and manner as is prescribed in the regulations. <sup>Bonding</sup>

**19.** No professional fund-raising corporation shall charge an amount towards overhead in relation to direct expenses greater than that amount prescribed in the regulations. <sup>Overhead</sup>

Service **20.**—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

Where service deemed to be made (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Restraining orders **21.**—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal (2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences **22.**—(1) Every person who, knowingly,  
 (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;  
 (b) fails to comply with any order, direction or other requirement made under this Act; or  
 (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceedings under this section shall be instituted <sup>Consent of Minister</sup> except with the consent of the Minister.

(4) No proceeding under clause *a* of subsection 1 shall be <sup>Limitation</sup> commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

(5) No proceeding under clause *b* or *c* of subsection 1 shall <sup>Idem</sup> be commenced more than two years after the time when the subject-matter of the proceeding arose.

**23.** The Lieutenant Governor in Council may make regula- <sup>Regulations</sup> tions,

- (a) requiring and governing the books, accounts and records that shall be kept by licensed professional fund-raising corporations;
- (b) prescribing the form of financial statements to be filed under subsection 2 of section 16;
- (c) governing applications for a licence or renewal of a licence and prescribing terms and conditions of licences;
- (d) prescribing the fees payable upon applications for licences and renewal of licences and any other fees in connection with the administration of this Act and the regulations;
- (e) prescribing the practice and procedure upon investigations under sections 8 and 10;
- (f) prescribing forms and providing for their use;
- (g) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (h) prescribing the form and manner in which a professional fund-raising corporation shall be bonded;
- (i) prescribing the amount which may be charged towards overhead in relation to direct expenses.

**24.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**25.** This Act may be cited as *The Professional Fund-raising* <sup>Short title</sup> *Corporations Control Act, 1975 (2nd Session)*.







An Act to control  
Professional Fund-raising Corporations

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*1st Reading*

November 12th, 1975

*2nd Reading*

*3rd Reading*

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MR. NEWMAN  
(Windsor-Walkerville)

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Highway Traffic Act**

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MR. ROY

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EXPLANATORY NOTE

The Bill provides for the compulsory wearing of seat belts while driving or travelling in a motor vehicle other than a motorcycle.

BILL 23

1975

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: <sup>s. 63a, enacted</sup>

63a.—(1) Subject to subsection 3, no person, while driving or travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which a seat belt has been fitted unless he is wearing the seat belt properly adjusted and securely fastened. <sup>Seat belts compulsory</sup>

(2) No person, while travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which no seat belt has been fitted unless, <sup>Idem</sup>

- (a) all seat positions for which seat belts are fitted are occupied; and
- (b) he is seated in the rear compartment of the motor vehicle.

(3) This section does not apply to, <sup>Exceptions</sup>

- (a) a person driving or travelling upon a highway on a motorcycle;
- (b) a person driving a motor vehicle in reverse;
- (c) the holder of a certificate signed by a legally qualified medical practitioner certifying,
- (i) that the person named in the certificate is, for the period stated in the certificate, unable for medical reasons to wear a seat belt; or

(ii) that the person named in the certificate is, because of his size, build or other physical characteristics, unable to drive or travel in a motor vehicle with safety while wearing a seat belt;

(d) a person who is engaged in work which requires him to alight from and return to a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in the motor vehicle at a speed exceeding twenty-five miles per hour; or

(e) a person under the age of eight years.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*.









An Act to amend  
The Highway Traffic Act

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*1st Reading*

November 13th, 1975

*2nd Reading*

*3rd Reading*

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MR. ROY

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Election Act**

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MR. GROSSMAN

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TORONTO

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#### EXPLANATORY NOTES

Section 1 of the Bill reduces the minimum period within which the Lieutenant Governor in Council may appoint a day for the nomination of candidates from 23 and 30 to 16 days, thereby permitting a possible election time of 30, as opposed to 37, days.

Section 2 of the Bill extends the period for an advance poll from 2 to 3 days and changes such period from the Saturday and Monday to the Thursday, Friday and Saturday immediately preceding polling day.

## An Act to amend The Election Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 7(1), re-enacted</sup>

(1) Where an election is to be held, the Lieutenant Governor in Council may appoint a day for nomination of candidates which shall be a Thursday not more than sixty and not less than sixteen days after the date of the writs of election. <sup>Nomination day</sup>

2. Subsections 1 and 2 of section 70 of the said Act are repealed and the following substituted therefor: <sup>s. 70 (1, 2), re-enacted</sup>

(1) The Thursday, Friday and Saturday immediately preceding polling day shall be days on which polls shall be held for the purpose of receiving votes of voters who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists. <sup>Advance poll</sup>

(2) The advance polls shall be open from 11 a.m. to 8 p.m. on each of the three days. <sup>Idem</sup>

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
4. This Act may be cited as *The Election Amendment Act, 1975* (2nd Session). <sup>Short title</sup>

REF  
H  
An Act to amend  
The Election Act

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*1st Reading*

November 13th, 1975

*2nd Reading*

*3rd Reading*

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MR. GROSSMAN

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to prevent post retirement integration of Insurance  
Moneys and Pension Benefits with increases in  
Government social security plans**

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MR. LAUGHREN

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#### EXPLANATORY NOTE

The purpose of the Bill is to prevent the reduction of moneys paid out under an insurance or pension plan because of a general increase or cost of living increase in a government social security plan with which it may be integrated.



**An Act to prevent post retirement  
integration of Insurance Moneys and  
Pension Benefits with increases in  
Government social security plans**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

(a) "government social security plan" means,

(i) the *Canada Pension Plan* (Canada),

R.S.C. 1970,  
c. C-5

(ii) the *Old Age Security Act* (Canada),

R.S.C. 1970,  
c. O-6

(iii) the *Department of Veterans Affairs Act* (Canada),

R.S.C. 1970,  
c. V-1

(iv) *The Ontario Guaranteed Annual Income Act, 1974*, or  
1974, c. 58

(v) *The Family Benefits Act*;

R.S.O. 1970,  
c. 157

(b) "insurance money" has the same meaning as defined in paragraph 32 of section 1 of *The Insurance Act*;

R.S.O. 1970,  
c. 224

(c) "pension benefit" has the same meaning as defined in clause g of subsection 1 of section 1 of *The Pension Benefits Act*.

R.S.O. 1970,  
c. 342

**2. Notwithstanding the provisions of any other Act, no insurance money or pension benefit shall be reduced by reason of an increase in any payment made under a government social security plan.**

Prohibition

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Post Retirement Integration of Insurance Moneys and Pension Benefits Prevention Act, 1975 (2nd Session)*.







An Act to prevent post  
retirement integration of Insurance  
Moneys and Pension Benefits with  
increases in Government social  
security plans

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*1st Reading*

November 13th, 1975

*2nd Reading*

*3rd Reading*

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MR. LAUGHREN

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Landlord and Tenant Act**

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THE HON. R. MCMURTRY  
Attorney General

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#### EXPLANATORY NOTES

The Bill is complementary to *The Residential Premises Rent Review Act, 1975*, as set out in Bill 20. The principal features found in the Bill are:

1. The extension of the provisions of Part IV of *The Landlord and Tenant Act*, governing residential tenancies, to mobile homes situate within mobile home parks.
2. The affording of security of tenure to tenants of residential premises.
3. The restructuring of certain provisions of Part IV of the Act to clarify the rights of both landlords and tenants, and to expedite the procedures leading to the appropriate remedy where either party has breached the provisions of Part IV of the Act.
4. The requiring that a landlord give at least ninety days notice of a proposed rent increase.

SECTION 1. Clause *c* now reads as follows:

- (c) "*residential premises*" means premises used for residential purposes, and does not include premises occupied for business purposes with living accommodation attached under a single lease;

The effect of the re-enactment is to extend the provisions of the Act to mobile home sites; for clarification, certain specified classes of premises are excluded from the provisions of the Act relating to residential premises.

SECTION 2. The definition section of Part IV of the Act, dealing with residential tenancies, is re-enacted. Clauses *a*, *b* and *c* are new and are designed to clarify the application of sections of the Bill that follow. Clauses *d* and *e* do not change the present definition of those expressions.



## An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Landlord and Tenant Act*, being <sup>s. 1(c),</sup> chapter 236 of the Revised Statutes of Ontario, 1970, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(c) "residential premises" means,

- (i) any premises used or intended for use for residential purposes, and
- (ii) land intended and used as a site for a mobile home used for residential purposes, whether or not the landlord also supplies the mobile home,

but does not include,

- (iii) premises occupied for business purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business purposes, in which case the living accommodation shall be deemed residential premises, or
- (iv) such other class or classes of accommodation as may be designated by the regulations.

2. Section 81 of the said Act is repealed and the following <sup>s. 81,</sup> substituted therefor: <sup>re-enacted</sup>

81. In this Part,

- (a) "caretaker's premises" means residential premises used for residential purposes by a person employed

Interpreta-  
tion

- as a caretaker, janitor, manager, or superintendent in respect of the building in which the residential premises are situated;
- (b) "mobile home" means any dwelling that is designed for or intended to be equipped with wheels, whether or not it is so equipped, and constructed or manufactured to provide a residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (c) "mobile home park" means the residential premises and the land, structures and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord where two or more occupied mobile homes are located for a period of sixty days or more;
- (d) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (e) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

ss. 98-103,  
re-enacted

3. Sections 98 and 99, section 100 as amended by the Statutes of Ontario, 1972, chapter 123, section 2, and sections 101, 102 and 103 of the said Act are repealed and the following substituted therefor:

Notice of  
termination  
of tenancy

98.—(1) Except as expressly otherwise provided in this Act, no tenancy of residential premises whether weekly, monthly, year to year or for any term certain, shall be terminated except upon notice by the landlord or the tenant given to the other in accordance with the provisions of this Part.

Exception

(2) Nothing in subsection 1 prevents a tenant at any time prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed term,

SECTION 3. Sections 98 to 103 of the Act presently read as follows:

98.—(1) *A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,*

*(a) shall meet the requirements of section 99;*

*(b) shall be given in the manner prescribed by section 100; and*

*(c) shall be given in sufficient time to give the period of notice required by section 101, 102 or 103, as the case may be.*

(2) *Any other kind of tenancy determinable on notice may, unless otherwise agreed upon, be terminated as provided by sections 99 and 100.*

99.—(1) A landlord or a tenant may give notice to terminate either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 106 unless it is in writing.

(2) A notice in writing,

(a) shall be signed by the person giving the notice, or his agent;

(b) shall identify the premises in respect of which the notice is given; and

(c) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.

(3) A notice may state both,

(a) the date on which the tenancy is to terminate; and

(b) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,

and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.

(4) A notice need not be in any particular form, but a notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

100. Notice to terminate shall be given in the manner prescribed in section 109.

101.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

(2) For the purposes of this section, "week of the tenancy" means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

102.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

(2) For the purposes of this section, "month of the tenancy" means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

103.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

from making application under section 96, 106 or 114 for an order declaring the tenancy terminated where the tenant alleges an act or omission on the part of the landlord that constitutes grounds for such termination.

(3) Subsection 1 does not apply so as to require a landlord to give notice of termination where a tenant abandons residential premises or so as to require notice of termination by either party where there is a surrender of the tenancy agreement. <sup>Idem</sup>

99.—(1) A notice of termination of a tenancy shall be in writing and shall, <sup>Content of notice</sup>

- (a) be signed by the person giving the notice, or his agent;
- (b) identify the premises in respect of which the notice is given;
- (c) state the date on which the tenancy is to terminate; and
- (d) where a notice of termination is given by a landlord, specify the reasons and particulars respecting the termination.

(2) A notice of termination need not be in any particular form but notice may be given in the form prescribed by the regulations made under this Act. <sup>Form of notice</sup>

100.—(1) A notice to terminate a weekly tenancy shall be given not less than twenty-eight days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a week of the tenancy. <sup>Notice to terminate weekly tenancy</sup>

(2) For the purposes of this section, “week of the tenancy” means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable. <sup>Idem</sup>

101.—(1) A notice to terminate a monthly tenancy shall be given not less than thirty days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a month of the tenancy. <sup>Notice to terminate monthly tenancy</sup>

(2) For the purpose of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless <sup>Idem</sup>

otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to  
terminate  
yearly  
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given not less than sixty days before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Notice to  
terminate  
tenancy  
for fixed  
term of  
less than  
one year

103. A notice to terminate a tenancy for a fixed term of less than one year shall be given not less than thirty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice to  
terminate  
tenancy  
for fixed  
term of  
one year  
or more

103a. A notice to terminate a tenancy for a fixed term of one year or any longer period shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice where  
landlord  
personally,  
etc.,  
requires  
premises

103b. Notwithstanding section 100, 101, 102, 103 or 103a, where a landlord *bona fide* requires possession of residential premises at the end of,

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed term,

for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, the period of the notice of termination required to be given is not less than sixty days.

Renewal  
of tenancy  
agreement  
for fixed  
term

103c.—(1) Subject to subsection 2, upon the expiration of a tenancy agreement for a fixed term, the landlord and the tenant shall be deemed to have renewed the tenancy agreement as a monthly tenancy agreement upon the same terms and conditions as are provided for in the expired tenancy agreement.

Exception

(2) Subsection 1 does not apply where the landlord and the tenant enter into a new tenancy agreement before the expiration of the term specified in the old tenancy agreement.

- (2) *For the purposes of this section, "year of the tenancy" means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.*

The re-enacted sections of the Act provide the following:

Section 98.—Subsection 1. Except as otherwise provided in the Act, no tenancy is to terminate except upon notice by either the landlord or the tenant to the other, given at least such period of time before the end of the term of the lease as sections 100 to 103a prescribe.

Subsection 2. A tenant is not precluded by subsection 1 from seeking an early termination of his tenancy where the conduct of the landlord has given proper grounds for such action; later sections afford the landlord similar relief.

Subsection 3. Notice of termination is not required in the case of surrender or abandonment.

Section 99. The form and content of a notice of termination are prescribed. In the case of notice given by a landlord, the reasons for the termination must be set out in the notice.

Section 100. Not less than twenty-eight days notice is required to terminate a weekly tenancy.

Section 101. Not less than thirty days notice is required to terminate a monthly tenancy.

Section 102. Not less than sixty days notice is required to terminate a year to year tenancy.

Section 103. Not less than thirty days notice is required to terminate a fixed term tenancy of less than one year.

Section 103a. Not less than sixty days notice is required to terminate a fixed term tenancy of one year or longer.

Section 103b. Special provision is made in the case of a landlord requiring possession of the premises for himself or his family.

Section 103c. The section provides that, upon the expiration of a lease for a fixed term, unless the parties enter into a new agreement, the tenancy continues as a monthly tenancy.

Section 103d. The section provides special procedures to apply where a landlord requires possession for the purposes of demolition, conversion to another use or extensive repair or renovation.

Section 103e. The section provides the procedure for a landlord to terminate a tenancy during its term for non-payment of rent by the tenant. Where a tenant receives a demand for payment of rent, unless he pays the rent owing within seven days, the landlord may apply for an order terminating the tenancy and for a writ of possession.

Section 103f. The section specifies additional grounds, other than non-payment of rent, upon which a landlord may terminate a tenancy during its term. The tenant is afforded a seven day period after notice from the landlord, in which he may discontinue the acts complained

of, compensate the landlord or rectify the breach, as the case may require. Failure on the part of the tenant to do so will entitle the landlord to apply for an order terminating the tenancy and for a writ of possession. On a subsequent breach by a tenant, no right to rectify the breach is afforded the tenant prior to the landlord applying for the writ.

Section 103g. The section provides the procedure for termination of a tenancy at the end of its term. If a tenant does not vacate in accordance with the notice, the landlord is required to apply under section 106 for a writ of possession. Security of tenure is conferred by the provisions of subsection 3, which require the judge hearing an application for an order for a writ of possession to be satisfied that one or more of the causes for termination referred to or set out in that subsection exist, before he makes such an order. Where a tenant does not vacate and the landlord does not apply for a writ of possession under section 106, the notice of termination is void and of no effect.



103*d*.—(1) Notwithstanding section 100, 101, 102, 103, 103*a* or 103*b*, where a landlord requires possession of residential premises for the purposes of, Termination for demolition, etc.

- (a) demolition;
- (b) conversion to use for a purpose other than rental residential premises; or
- (c) repairs or renovations so extensive as to require vacant possession of the premises,

the landlord may, at any time during the currency of the tenancy agreement, give notice of termination of the tenancy agreement, provided that the length of notice shall be not less than 120 days.

(2) Where a tenant receives notice of termination under subsection 1, he may at any time within the 120 day period terminate the tenancy agreement by, Earlier termination by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date he gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any security deposit he has paid for rent.

(3) A landlord who has given a notice of termination under subsection 1, may, not later than fifteen days after the termination date specified in the notice of termination, make an application under section 106 for an order directing the issue of a writ of possession to be effective on a day not earlier than the termination date specified in the notice of termination. Application by landlord under section 106

(4) A notice of termination given by a landlord under subsection 1 is void and of no effect unless, Where notice of termination void

- (a) the tenant delivers up possession of the premises; or
- (b) the landlord brings an application under section 106, not later than fifteen days after the termination date specified in the notice of termination.

When writ  
of possession  
may issue

(5) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 4, shall not direct the issue of a writ of possession unless he is satisfied that the landlord *bona fide* intends to demolish the premises, convert them to another use or extensively repair or renovate the premises, as the case may be, and has obtained all necessary permits or other authority that may be required to do so.

Early  
termination  
for non-  
payment of  
rent

103e.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given.

Notice to  
specify  
right of  
tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded within seven days of his receiving the notice of termination.

Notice void  
where rent  
paid

(3) Where a tenant who receives notice of termination under subsection 1 pays to the landlord the rent that is due in accordance with the tenancy agreement and within seven days of the day he receives the notice, the notice of termination is void and of no effect.

Application  
by landlord  
under  
s. 106

(4) Where a tenant fails to pay the rent demanded within the seven days mentioned in subsection 2, the landlord is entitled to make application forthwith under section 106.

When  
proceedings  
may be  
stayed

(5) Where application is brought by the landlord under section 106 and the tenant at any time before the judgment has become final, pays into court all the rent in arrears and the costs of the application, the proceedings in the application are forever stayed.

Early  
termination  
by landlord  
for cause

103f.—(1) Notwithstanding section 100, 101, 102, 103a or 103b, where,

- (a) a tenant causes or permits undue damage to the rented premises or its environs and whether by his own wilful or negligent acts or by those of any person whom the tenant permits on the residential premises;
- (b) a tenant at any time during the term of the tenancy exercises or carries on, or permits to be exercised or carried on, in or upon the residential premises or any part thereof, any noxious, offensive or illegal act, trade, business, occupation or calling;

- (c) the conduct of the tenant or a person permitted in the residential premises by him is such that it substantially interferes with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (d) the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises is or has been seriously impaired by an act or omission of the tenant or a person permitted in the residential premises by him where such act or omission occurs in the residential premises or its environs; or
- (e) the number of persons occupying the residential premises on a continuing basis results in the contravention of health or safety standards including any housing standards required by law,

the landlord may serve on the tenant a notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given, specifying the act or acts complained of, and requiring the tenant, within seven days, to pay to the landlord the reasonable costs of repairing the premises in the case mentioned in clause *a* or to cease and desist from the activities in the cases mentioned in clauses *b* to *d* or to reduce the number of persons occupying the premises in the case mentioned in clause *e*.

(2) Where a tenant who receives a notice from a landlord under subsection 1 within seven days of his receiving the notice pays the reasonable costs of repairs or makes arrangements satisfactory to the landlord to pay such costs, or ceases and desists from the activities or reduces the number of persons occupying the premises, as the case may require, the notice of termination is null and void.

Notice void where tenant complies

(3) Where a tenant fails to comply with the terms of a notice served under subsection 1 within the seven day period specified in subsection 2, the landlord is entitled to forthwith make application under section 106.

Application by landlord under s. 106, etc.

(4) Where a notice of termination has become null and void under subsection 2 by reason of the tenant complying with the terms of the notice within the seven days and the tenant within six months thereafter again contravenes any of the clauses of subsection 1, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the fourteenth day after the notice is given, and the landlord is entitled to forthwith make application under section 106.

Further contravention by tenant

When writ of possession may issue

(5) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 3 or 4 shall not direct the issue of a writ of possession unless the judge is satisfied that one or more of the causes of termination set out in subsection 1 exist.

Application by landlord under s. 106

103g.—(1) Where a landlord gives notice of termination to a tenant under section 100, 101, 102, 103, 103a or 103b, the landlord may, not later than fifteen days after the termination date specified in the notice of termination, make application under section 106 for an order directing the issue of a writ of possession and may join with the application a claim for any other order or judgment that the judge or clerk may make or give under that section.

Where notice of termination void

(2) A notice of termination given by a landlord to a tenant is void and of no effect unless,

- (a) the tenant delivers up possession of the premises; or
- (b) the landlord brings an application under section 106,

not later than fifteen days after the termination date specified in the notice.

When writ of possession may issue

(3) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 1 shall not direct the issue of a writ of possession unless the judge is satisfied that one or more of the causes for termination of a tenancy agreement specified in section 103e or 103f exists or that,

- (a) the landlord *bona fide* requires possession of the residential premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, and the landlord has complied with section 103b;
- (b) the tenant has persistently failed to pay rent on the date it becomes due and payable;
- (c) the residential premises in respect of which the notice of termination was given are administered for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or form part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) and the tenant has ceased to meet the qualifications required for occupancy of such premises;



SECTION 4. Section 104 of the Act presently reads as follows:

*104. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 98 to 103 and section 109, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted.*

The section is re-enacted to accommodate the extension of the Act to mobile homes situate within mobile home parks; the requirement of the posting of extracts of Part IV is enlarged to require the posting of the whole of Part IV.

SECTION 5. Section 106 of the Act as re-enacted incorporates the following new principles:

1. The reliefs available are enlarged to include applications for both return of a security deposit and interest, and an abatement of rent.
2. A tenant may now apply by summary application under it for termination of the tenancy prior to the end of the term or for the other reliefs available, or for any of them.
3. A summary application for possession is not a condition precedent to application for the other reliefs available.
4. A summary application for arrears of rent, compensation for overholding or an abatement of rent may only be brought under section 106 where the tenant is in possession at the time application is made.
5. Provision is made for the joining of related applications.

- (d) the tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has terminated; or
- (e) the tenant has breached a material covenant contained in a written tenancy agreement.

4. Section 104 of the said Act is repealed and the following <sup>s. 104.</sup> substituted therefor: <sup>re-enacted</sup>

104.—(1) A landlord,

Posting up  
notice  
provisions

- (a) of a mobile home park; or
- (b) renting more than one rented premises in the same building and retaining possession of part of the building for use of all tenants in common,

shall,

- (c) post up conspicuously and maintain posted the legal name of the landlord and his address for service; and
- (d) not later than the 1st day of February, 1976, post up conspicuously and maintain posted a copy of Part IV of this Act.

(2) Any proceeding taken by or on behalf of a tenant <sup>Proceedings</sup> may be commenced against the landlord in the name posted under clause *c* of subsection 1.

5.—(1) Section 106 of the said Act, as re-enacted by the Statutes <sup>s. 106.</sup> of Ontario, 1972, chapter 123, section 3, is repealed and <sup>re-enacted</sup> the following substituted therefor:

106.—(1) A landlord or a tenant may apply by summary <sup>Application</sup> application to a judge of the county or district court of <sup>for</sup> the county or district in which the premises are situate for <sup>possession,</sup> an order, <sup>arrears of</sup> rent, etc.

- (a) declaring the tenancy agreement terminated;
- (b) for a writ of possession;
- (c) for the payment of arrears of rent;
- (d) for the payment of compensation under section 105;
- (e) for return of a security deposit and interest thereon;

(f) for an abatement of rent,

or any of them.

Application

(2) Application for an order under clause *c*, *d* or *f* may be made only where the tenant is in possession, whether in accordance with the tenancy agreement or as an overholding tenant.

Idem

(3) Application may be made for an order under clause *c*, *d*, *e* or *f* whether or not application is also made for an order under clause *a* or *b*.

Service of application and contents of notice

(4) The summary application shall be served on the respondent at least four clear days before the day for the return of the motion and it shall contain the following warning:

If you intend to dispute the applicant's claim, you must attend before the County Court Clerk at the hour of

..... o'clock in the ..... noon on the ..... day of

..... at his office in the Court House

at ..... or file with him before the .....

day of ..... a notice of dispute in writing, setting out briefly the grounds upon which you dispute the applicant's claim. If you do not attend or do not file a notice of dispute, the clerk of the court may sign an order directing,

- (a) that the tenancy agreement is terminated;
- (b) that a writ of possession issue;
- (c) judgment for the amount claimed for arrears of rent;
- (d) judgment for the payment of compensation under section 105;
- (e) judgment for the return of the security deposit and interest thereon;
- (f) that there be an abatement of rent in the amount claimed,

or any of them.



(5) The respondent may dispute the applicant's claim by <sup>Dispute</sup> attending on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the applicant's claim.

(6) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 5 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less, <sup>Payment to clerk of amounts in dispute</sup>

(a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and

(b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid.

(7) Where the claim of the applicant is not disputed, <sup>Default judgment</sup> the clerk of the court may sign an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or may give judgment for the amount of arrears of rent, or for the amount of compensation under section 105 or for the return of the security deposit and interest thereon or for an abatement of rent or any of them, in accordance with the claim.

(8) Where the clerk of the court signs an order or judgment under subsection 7, the respondent may, within four days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist. <sup>Setting aside default judgment</sup>

(9) The judge may extend the time for bringing a motion under subsection 8 upon being satisfied that a proper case has been made for so doing. <sup>Extension of time for motion to set aside</sup>

(10) Where the claim of the applicant is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint. <sup>Hearing</sup>

(11) After a hearing, the judge shall determine the applicant's claim and may make an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or give judgment for the arrears of rent, or for compensation under section 105 found due, or for the return of the security deposit and interest thereon or for an abatement of rent, or any of them. <sup>Order and judgment</sup>

Judge may  
fix common  
hearing  
date

(12) Where an application is brought under this section and application has also been brought under section 96 or 114, the judge may, in his discretion, fix a common date for the hearing and hear and determine all the matters at issue between the parties.

Application  
R.S.O. 1970,  
c. 236

(2) This Act does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force.

ss. 106a, 106b,  
re-enacted

6. Sections 106a and 106b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 123, section 3, are repealed and the following substituted therefor:

Application  
by landlord  
for writ of  
possession  
where tenant  
has given  
notice of  
termination

106a.—(1) Where a tenant who has given a landlord notice of termination of a tenancy agreement fails to deliver up possession of the premises in respect of which the notice was given on or before the day specified in the notice of termination, the landlord may, not later than fifteen days after the termination date specified, file with the clerk of the county court of the county or district in which the premises are situate a copy of the notice of termination verified by affidavit, and the clerk of the court shall sign an order directing that a writ of possession issue, effective not earlier than the date specified in the notice of termination.

Setting  
aside  
order

(2) Where the clerk of the court signs an order under subsection 1, the tenant may, within four days after service thereof, apply to the judge *ex parte* to have the order set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Hearing

(3) Where the judge sets aside an order under subsection 2, the judge shall in writing appoint a time and place for a hearing to determine the landlord's claim and the provisions of section 106 apply *mutatis mutandis*.

Termination  
in respect  
of  
caretaker's  
premises

106b.—(1) Notwithstanding anything in this Part, where a landlord has entered into a tenancy agreement in respect of caretaker's premises, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which the employment of the tenant is terminated and the tenant shall within one week thereafter vacate the caretaker's premises.

Application  
by landlord  
under  
s. 106

(2) If the tenant fails to vacate the premises as set out in subsection 1, the landlord may forthwith make application under section 106.

SECTION 6. Section 106*a* of the Act is new and provides a summary procedure for a landlord to obtain possession in the case where a tenant, having given notice of termination to the landlord, fails to vacate the premises on the day specified.

Section 106*b* is new and provides termination procedures in the case of caretaker's premises.

Sections 106*c* and 106*d* are presently found in the Act as sections 106*a* and 106*b*. There is no change in principle.

Section 106*e* is new and permits a party to any application under Part IV of the Act to be represented by an agent as well as by counsel.

Section 106*f* is new and permits representative actions.

Section 106*g* is new and permits the judge on a hearing under Part IV of the Act to permit, subject to the restrictions set out in the section, evidence that might not be admissible in a court.

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(3) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

No rent  
or  
compensation  
to be  
charged

106c.—(1) An appeal lies to the Divisional Court from a final order or judgment of a judge under this Part.

Appeal

(2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 6 of section 106 in respect of a ground of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 6 of section 106 shall accompany the notice.

Payment  
of  
rent

106d. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 6 of section 106 and subsection 2 of section 106c to the person entitled thereto.

Payment  
of rent  
out of  
court

106e.—(1) A party to an application under this Part may be represented by counsel or an agent.

Party  
may be  
represented  
by agent

(2) A judge of a county or district court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if he finds that such person is not competent properly to represent or to advise the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Exclusion  
of agents

106f. Where more than one person has a common interest in respect of an application under this Part, one or more of those persons may be authorized by a judge of the county or district court in which the premises are located to make or defend an application on behalf of, or for the benefit of all.

Representative  
actions

106g.—(1) Subject to subsections 2 and 3, a judge of the county or district court may admit as evidence at a hearing under this Part, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

What  
evidence  
is  
admissible

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceedings and may act on such evidence, but the judge may exclude anything unduly repetitious.

What  
evidence  
is  
inadmissible

(2) Nothing is admissible in evidence at a hearing,

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any statute.

Conflicts

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Copies

(4) Where a judge is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photocopies

(5) Where a document has been filed in evidence at a hearing, the judge may, or the person producing it or entitled to it may with the leave of the judge cause the document to be photocopied and the judge may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the judge.

Certified  
copy  
admissible  
in  
evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by the judge, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

s. 107 (1),  
amended

7.—(1) Subsection 1 of section 107 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 4, is further amended by adding at the end thereof "or 106a".

s. 107 (2, 3),  
re-enacted

(2) Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1972, chapter 123, section 4, of the said section 107 are repealed and the following substituted therefor:

Defence to  
application  
for writ  
of  
possession

(2) Upon any application by a landlord for a writ of possession a judge may, notwithstanding any other provision of this Act or of the tenancy agreement, refuse to grant the application where he is satisfied, having regard to all the circumstances, that it would be unfair to do so.

SECTION 7.—Subsection 1. Subsection 1 of section 107 of the Act presently reads as follows:

*107.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 106.*

The reference to 106a added at the end of subsection 1 of section 107 is consequent upon the enactment of section 106a by section 6 of the Bill.

Subsection 2. Subsections 2 and 3 of section 107 presently read as follows:

*(2) In any proceeding by a landlord for possession, if it appears to the judge that,*

*(a) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or*

*(b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,*

*the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.*

*(3) A landlord shall not withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement during the tenant's occupation of the premises and until the date on which a writ of possession is executed.*

The re-enacted subsections 2 and 3 enlarge the power of the judge to grant equitable relief in appropriate circumstances.

The new subsection 4 prohibits a landlord from conduct designed to cause a tenant to give up possession of his premises.

SECTION 8. Sections 86, 93, 111, 112 and 113 of the Act are added as sections the contravention of which constitutes a summary conviction offence.



(3) Without restricting the generality of subsection 2, <sup>Idem</sup> the judge may refuse to grant the application where he is satisfied that,

- (a) the landlord is in breach of his responsibilities under this Act or of any material covenant in the tenancy agreement;
- (b) a reason for the application being brought is that the tenant has complained to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards including any housing standard or by-law;
- (c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights; or
- (d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association.

(4) A landlord shall not,

Withholding  
services

- (a) withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement or deliberately interfere with the supply of any such vital service whether or not it is his obligation to supply such service during the tenant's occupation of the premises and until the date on which a writ of possession is executed; or
- (b) substantially interfere with the reasonable enjoyment of the premises for all usual purposes by a tenant or members of his household with intent to cause the tenant to give up possession of the premises or to refrain from asserting any of the rights provided by this Act or provided by the tenancy agreement.

8. Subsection 1 of section 108 of the said Act, as amended by <sup>s. 108 (1),</sup> the Statutes of Ontario, 1972, chapter 123, section 5, is <sup>re-enacted</sup> repealed and the following substituted therefor:

Penalties

(1) Any person who knowingly contravenes section 84, 85, 86, 93, 94, 95, 104, 107, 111, 112 or 113 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.

ss. 111-116,  
enacted

9. The said Act is amended by adding thereto the following sections:

## MOBILE HOME PARKS

Tenant's  
right to  
sell, etc.

111.—(1) Subject to subsections 2 and 3, a tenant has the right to sell, lease, or otherwise part with the possession of his mobile home while it is situated within a mobile home park.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof.

Consent

(3) A tenancy agreement may provide that the right of a tenant to sell, lease, or otherwise part with possession of his mobile home while it is situated in a mobile home park is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in section 3, except his reasonable expenses incurred thereby.

Landlord as  
agent

(5) A landlord shall not act as the agent of the tenant in any negotiations to sell, lease, or otherwise part with the possession of a mobile home situated in a mobile home park, except pursuant to a written agency contract.

Entrance and  
exit fees  
prohibited

112. A landlord shall not make any charge whatsoever in respect of,

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or

SECTION 9. Sections 111, 112, 113 and 114 are added to the Act and govern mobile home parks and the mutual rights and obligations of the owner of the park and the tenants who occupy mobile home sites within the park.

Section 115 is new and requires a landlord who proposes to increase the rent charged for residential premises to give the tenant at least ninety days prior notice of the increase. A tenant who does not elect to terminate his tenancy at the end of the term on receiving notice of rent increase is deemed to have accepted the increase, subject in the case of premises governed by *The Residential Premises Rent Review Act, 1975*, to whatever limitation on rental increases is provided by that Act.

Section 116 is new and confers power on the Lieutenant Governor in Council to make regulations for the purposes of the Act.



(e) the granting of a tenancy in a mobile home park, except to the extent of his reasonable expenses incurred thereby.

113.—(1) Subject to subsections 2 and 3, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint of trade prohibited

(2) A landlord may set reasonable standards for mobile home equipment. Standards

(3) Where a tradesman has,

(a) unduly disturbed the peace and quiet of the mobile home park; When tradesman may be prohibited from entry

(b) failed to observe such reasonable rules of conduct as have been established by the landlord; or

(c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue such conduct, the landlord may after due notice restrict or prohibit the entry of such tradesman into the mobile home park.

114.—(1) A landlord is responsible for,

(a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals; Responsibility of landlord

(b) maintaining mobile home park roads in a good state of repair;

(c) removing excess snow from mobile home park roads;

(d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;

(e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment intended for the common use of the tenants in a good state of repair; and

(f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

Responsi-  
bility  
of tenant

(2) The tenant is responsible for ordinary cleanliness of the rented premises and for repair of damage to the landlord's property caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him.

Enforcement

(3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the mobile home park is situate and the judge may,

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

#### NOTICE OF RENT INCREASE

Notice of  
rent  
increase

115.—(1) A landlord shall not increase the rent for residential premises unless he serves on the tenant a notice in writing setting out his intention to increase the rent and the amount of the increase intended to be made not less than ninety days prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

Where tenant  
fails to  
give notice  
of  
termination

(2) Where a tenant who receives a notice under subsection 1 fails to give to the landlord notice of termination in accordance with section 99 within the time required under section 100, 101, 102, 103 or 103a, as the case requires, he shall be deemed to have accepted,

- (a) where the amount of the rent increase is not subject to review by law,
  - (i) the amount of the rent increase specified in the notice of the landlord, or
  - (ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or



SECTION 10. The forms being repealed provide the form of a notice of termination that may be given by a landlord to a tenant or by a tenant to a landlord. Forms will now be prescribed by regulations made under the new section 116 of the Act.

SECTION 11. The section is transitional in respect of mobile home sites.



(b) where the amount of the rent increase is subject to review by law, such amount of rent increase as does not exceed the amount allowed under the law.

(3) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 2, does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under any law in force that provides for the review of rent increases. Deemed acceptance does not constitute waiver of tenant's rights

(4) An increase in rent by the landlord where the landlord has not served a notice according to the provisions of subsection 1 is void. Where increase void

116. The Lieutenant Governor in Council may make regulations, Regulations

(a) designating classes of accommodation that are deemed not to be residential premises for the purposes of this Act;

(b) prescribing forms and providing for their use;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

10. Forms 4 and 5 of the said Act are repealed.

Forms 4, 5, repealed

11. Notwithstanding any reference to the 1st day of January, 1970, in Part IV of *The Landlord and Tenant Act*, the provisions of *The Landlord and Tenant Act*, in so far as they relate to residential premises as defined in subclause ii of clause *c* of section 1 of *The Landlord and Tenant Act*, as enacted by section 1 of this Act, apply only on and after the day this Act comes into force.

Application to mobile home sites R.S.O. 1970, c. 236

12. This Act comes into force on the day it receives Royal Assent.

Commencement

13. This Act may be cited as *The Landlord and Tenant Amendment Act, 1975 (2nd Session)*.

Short title

An Act to amend  
The Landlord and Tenant Act

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*1st Reading*

November 14, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. R. MCMURTRY  
Attorney General

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*(Government Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Landlord and Tenant Act**

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THE HON. R. MCMURTRY  
Attorney General

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*(Reprinted as amended by the Committee of the Whole House)*

### EXPLANATORY NOTES

The Bill is complementary to *The Residential Premises Rent Review Act, 1975*, as set out in Bill 20. The principal features found in the Bill are:

1. The extension of the provisions of Part IV of *The Landlord and Tenant Act*, governing residential tenancies, to mobile homes situate within mobile home parks.
2. The affording of security of tenure to tenants of residential premises.
3. The restructuring of certain provisions of Part IV of the Act to clarify the rights of both landlords and tenants, and to expedite the procedures leading to the appropriate remedy where either party has breached the provisions of Part IV of the Act.
4. The requiring that a landlord give at least ninety days notice of a proposed rent increase.

SECTION 1. Clause *c* now reads as follows:

- (c) "*residential premises*" means premises used for residential purposes, and does not include premises occupied for business purposes with living accommodation attached under a single lease;

The effect of the re-enactment is to extend the provisions of the Act to mobile home sites; for clarification, certain specified classes of premises are excluded from the provisions of the Act relating to residential premises.

SECTION 2. The definition section of Part IV of the Act, dealing with residential tenancies, is re-enacted. Clauses *a*, *b* and *c* are new and are designed to clarify the application of sections of the Bill that follow. Clauses *d* and *e* do not change the present definition of those expressions.

## An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Landlord and Tenant Act*, being <sup>s. 1(c),</sup> chapter 236 of the Revised Statutes of Ontario, 1970, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(c) "residential premises" means,

- (i) any premises used or intended for use for residential purposes, and
- (ii) land intended and used as a site for a mobile home used for residential purposes, whether or not the landlord also supplies the mobile home,

but does not include,

- (iii) premises occupied for business purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business purposes, in which case the living accommodation shall be deemed residential premises, or
- (iv) such other class or classes of accommodation as may be designated by the regulations.

2. Section 81 of the said Act is repealed and the following <sup>s. 81,</sup> substituted therefor: <sup>re-enacted</sup>

81. In this Part,

- (a) "caretaker's premises" means residential premises used for residential purposes by a person employed

Interpreta-  
tion

as a caretaker, janitor, manager, watchman, security guard, or superintendent in respect of the building in which the residential premises are situated;

- (b) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (c) "mobile home park" means the residential premises and the land, structures and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord where two or more occupied mobile homes are located for a period of sixty days or more;
- (d) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (e) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

ss. 98-103,  
re-enacted

3. Sections 98 and 99, section 100 as amended by the Statutes of Ontario, 1972, chapter 123, section 2, and sections 101, 102 and 103 of the said Act are repealed and the following substituted therefor:

Notice of  
termination  
of tenancy

98.—(1) Except as expressly otherwise provided in this Act, no tenancy of residential premises whether weekly, monthly, year to year or for any term certain, shall be terminated except upon notice by the landlord or the tenant given to the other in accordance with the provisions of this Part.

Exception

(2) Nothing in subsection 1 prevents a tenant at any time prior to the end of,

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed term,

SECTION 3. Sections 98 to 103 of the Act presently read as follows :

98.—(1) *A weekly or monthly or year to year tenancy may be terminated by either the landlord or the tenant upon notice to the other and, unless otherwise agreed upon, the notice,*

*(a) shall meet the requirements of section 99;*

*(b) shall be given in the manner prescribed by section 100; and*

*(c) shall be given in sufficient time to give the period of notice required by section 101, 102 or 103, as the case may be.*

(2) *Any other kind of tenancy determinable on notice may, unless otherwise agreed upon, be terminated as provided by sections 99 and 100.*

99.—(1) A landlord or a tenant may give notice to terminate either orally or in writing, but a notice by a landlord to a tenant is not enforceable under section 106 unless it is in writing.

(2) A notice in writing,

(a) shall be signed by the person giving the notice, or his agent;

(b) shall identify the premises in respect of which the notice is given; and

(c) shall state the date on which the tenancy is to terminate or that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice.

(3) A notice may state both,

(a) the date on which the tenancy is to terminate; and

(b) that the tenancy is to terminate on the last day of the period of the tenancy next following the giving of the notice,

and if it does state both and the date on which the tenancy is to terminate is incorrectly stated, the notice is nevertheless effective to terminate the tenancy on the last day of the period of the tenancy next following the giving of the notice.

(4) A notice need not be in any particular form, but a notice by a landlord to a tenant may be in Form 4 and a notice by a tenant to a landlord may be in Form 5.

100. Notice to terminate shall be given in the manner prescribed in section 109.

101.—(1) A notice to terminate a weekly tenancy shall be given on or before the last day of one week of the tenancy to be effective on the last day of the following week of the tenancy.

(2) For the purposes of this section, "week of the tenancy" means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

102.—(1) A notice to terminate a monthly tenancy shall be given on or before the last day of one month of the tenancy to be effective on the last day of the following month of the tenancy.

(2) For the purposes of this section, "month of the tenancy" means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

103.—(1) A notice to terminate a year to year tenancy shall be given on or before the sixtieth day before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.



from making application under section 96, 106 or 114 for an order declaring the tenancy terminated where the tenant alleges an act or omission on the part of the landlord that constitutes grounds for such termination.

(3) Subsection 1 does not apply so as to require a landlord to give notice of termination where a tenant abandons residential premises or so as to require notice of termination by either party where there is a surrender of the tenancy agreement.

99.—(1) A notice of termination of a tenancy shall be in writing and shall, Content  
of  
notice

(a) be signed by the person giving the notice, or his agent;

(b) identify the premises in respect of which the notice is given;

(c) state the date on which the tenancy is to terminate; and

(d) where a notice of termination is given by a landlord,

(i) specify the reasons and particulars respecting the termination, and

(ii) inform the tenant that he need not vacate the premises pursuant to the notice, but that the landlord may regain possession by application for a writ of possession to be obtained from the clerk or judge of the county court, which application the tenant is entitled to dispute.

(2) A notice of termination need not be in any particular form but notice may be given in the form prescribed by the regulations made under this Act. Form  
of  
notice

100.—(1) A notice to terminate a weekly tenancy shall be given not less than twenty-eight days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a week of the tenancy. Notice  
to  
terminate  
weekly  
tenancy

(2) For the purposes of this section, "week of the tenancy" <sup>Idem</sup> means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to  
terminate  
monthly  
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given not less than sixty days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a month of the tenancy.

Idem

(2) For the purpose of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to  
terminate  
yearly  
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given not less than sixty days before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Notice to  
terminate  
tenancy  
for fixed  
term of  
less than  
one year

103. A notice to terminate a tenancy for a fixed term of less than one year shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice to  
terminate  
tenancy  
for fixed  
term of  
one year  
or more

103a. A notice to terminate a tenancy for a fixed term of one year or any longer period shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice where  
landlord  
personally,  
etc.,  
requires  
premises

103b. Notwithstanding section 100, 101, 102, 103 or 103a, where a landlord *bona fide* requires possession of residential premises at the end of,

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed term,

for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, the period of the notice of termination required to be given is not less than sixty days.

Renewal  
of tenancy  
agreement  
for fixed  
term

103c.—(1) Subject to subsection 2, upon the expiration of a tenancy agreement for a fixed term, the landlord and

- (2) *For the purposes of this section, "year of the tenancy" means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.*

The re-enacted sections of the Act provide the following:

Section 98.—Subsection 1. Except as otherwise provided in the Act, no tenancy is to terminate except upon notice by either the landlord or the tenant to the other, given at least such period of time before the end of the term of the lease as sections 100 to 103a prescribe.

Subsection 2. A tenant is not precluded by subsection 1 from seeking an early termination of his tenancy where the conduct of the landlord has given proper grounds for such action; later sections afford the landlord similar relief.

Subsection 3. Notice of termination is not required in the case of surrender or abandonment.

Section 99. The form and content of a notice of termination are prescribed. In the case of notice given by a landlord, the reasons for the termination must be set out in the notice.

Section 100. Not less than twenty-eight days notice is required to terminate a weekly tenancy.

Section 101. Not less than thirty days notice is required to terminate a monthly tenancy.

Section 102. Not less than sixty days notice is required to terminate a year to year tenancy.

Section 103. Not less than thirty days notice is required to terminate a fixed term tenancy of less than one year.

Section 103a. Not less than sixty days notice is required to terminate a fixed term tenancy of one year or longer.

Section 103b. Special provision is made in the case of a landlord requiring possession of the premises for himself or his family.

Section 103c. The section provides that, upon the expiration of a lease for a fixed term, unless the parties enter into a new agreement, the tenancy continues as a monthly tenancy.

Section 103d. The section provides special procedures to apply where a landlord requires possession for the purposes of demolition, conversion to another use or extensive repair or renovation.

Section 103e. The section provides the procedure for a landlord to terminate a tenancy during its term for non-payment of rent by the tenant. Where a tenant receives a demand for payment of rent, unless he pays the rent owing within seven days, the landlord may apply for an order terminating the tenancy and for a writ of possession.

Section 103f. The section specifies additional grounds, other than non-payment of rent, upon which a landlord may terminate a tenancy during its term. The tenant is afforded a seven day period after notice from the landlord, in which he may discontinue the acts complained

of, compensate the landlord or rectify the breach, as the case may require. Failure on the part of the tenant to do so will entitle the landlord to apply for an order terminating the tenancy and for a writ of possession. On a subsequent breach by a tenant, no right to rectify the breach is afforded the tenant prior to the landlord applying for the writ.

Section 103g. The section provides the procedure for termination of a tenancy at the end of its term. If a tenant does not vacate in accordance with the notice, the landlord is required to apply under section 106 for a writ of possession. Security of tenure is conferred by the provisions of subsection 3, which require the judge hearing an application for an order for a writ of possession to be satisfied that one or more of the causes for termination referred to or set out in that subsection exist, before he makes such an order. Where a tenant does not vacate and the landlord does not apply for a writ of possession under section 106, the notice of termination is void and of no effect.

the tenant shall be deemed to have renewed the tenancy agreement as a monthly tenancy agreement upon the same terms and conditions as are provided for in the expired tenancy agreement.

(2) Subsection 1 does not apply where the landlord and the tenant enter into a new tenancy agreement before the expiration of the term specified in the old tenancy agreement. <sup>Exception</sup>

103d.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where a landlord requires possession of residential premises for the purposes of, <sup>Termination for demolition, etc.</sup>

- (a) demolition;
- (b) conversion to use for a purpose other than rental residential premises; or
- (c) repairs or renovations so extensive as to require a building permit and vacant possession of the premises,

the landlord may, at any time during the currency of the tenancy agreement, give notice of termination of the tenancy agreement, provided that the date of termination specified shall not be sooner than,

- (d) 120 days after the date the notice is given; and
- (e) the end of the tenancy agreement.

(2) Where a tenant receives notice of termination under subsection 1, he may at any time prior to the date specified in the notice terminate the tenancy agreement by, <sup>Earlier termination by tenant</sup>

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date he gives notice of termination under clause a the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due,

the tenant is entitled to take into account the amount of any security deposit he has paid for rent.

Tenant has right of first refusal

(3) Where a tenant has received notice of termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the premises, that he wishes to have a first refusal to occupy the premises as a tenant when the repairs or renovations are completed, the tenant shall have such right of first refusal to occupy the premises, at the lowest rent that would be charged to any other tenant for the same premises, provided that the tenant informs the landlord by registered mail of any change of address.

Application by landlord under section 106

(4) A landlord who has given a notice of termination under subsection 1, may, not later than thirty days after the termination date specified in the notice of termination, make an application under section 106 for an order directing the issue of a writ of possession to be effective on a day not earlier than the termination date specified in the notice of termination.

Where notice of termination void

(5) A notice of termination given by a landlord under subsection 1 is void and of no effect unless,

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106, not later than thirty days after the termination date specified in the notice of termination.

When writ of possession may issue

(6) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 4, shall not direct the issue of a writ of possession unless he is satisfied that the landlord *bona fide* intends to demolish the premises, convert them to another use or extensively repair or renovate the premises, as the case may be, and has obtained all necessary permits or other authority that may be required to do so.

Early termination for non-payment of rent

103e.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given.

Notice to specify right of tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded within fourteen days of his receiving the notice of termination.

(3) Where a tenant who receives notice of termination under subsection 1 pays to the landlord the rent that is due in accordance with the tenancy agreement and within fourteen days of the day he receives the notice, the notice of termination is void and of no effect. Notice void where rent paid

(4) Where a tenant fails to pay the rent demanded within the fourteen days mentioned in subsection 2, the landlord is entitled to make application forthwith under section 106. Application by landlord under s. 106

(5) Where application is brought by the landlord under section 106 and the tenant at any time before the judgment has become final, pays into court all the rent in arrears and the costs of the application, the proceedings in the application are forever stayed. When proceedings may be stayed

103f.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where, Early termination by landlord for cause

- (a) a tenant causes or permits undue damage to the rented premises or its environs and whether by his own wilful or negligent acts or by those of any person whom the tenant permits on the residential premises;
- (b) a tenant at any time during the term of the tenancy exercises or carries on, or permits to be exercised or carried on, in or upon the residential premises or any part thereof, any illegal act, trade, business, occupation or calling;
- (c) the conduct of the tenant or a person permitted in the residential premises by him is such that it substantially interferes with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (d) the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises is or has been seriously impaired by an act or omission of the tenant or a person permitted in the residential premises by him where such act or omission occurs in the residential premises or its environs; or
- (e) the number of persons occupying the residential premises on a continuing basis results in the contravention of health or safety standards including any housing standards required by law;

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(f) a tenant of residential premises administered for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or forming part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) has knowingly and materially misrepresented his income or that of other members of his family occupying the residential premises,

the landlord may serve on the tenant a notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given, specifying the act or acts complained of, and requiring the tenant, within seven days, to pay to the landlord the reasonable costs of repairing the premises or to make the repairs to the reasonable satisfaction of the landlord in the case mentioned in clause *a* or to cease and desist from the activities in the cases mentioned in clause *c* or *d* or to reduce the number of persons occupying the premises in the case mentioned in clause *e*.

Notice void  
where  
tenant  
complies

(2) Where a tenant who receives a notice from a landlord under clause *a*, *c*, *d* or *e* of subsection 1 within seven days of his receiving the notice pays the reasonable costs of repairs or makes arrangements satisfactory to the landlord to pay such costs or to make such repairs to the reasonable satisfaction of the landlord, or ceases and desists from the activities or reduces the number of persons occupying the premises, as the case may require, the notice of termination is null and void.

Application  
by landlord  
under  
s. 106,  
etc.

(3) Where a tenant fails to comply with the terms of a notice served under subsection 1 within the seven day period specified in subsection 2 or where the notice is served pursuant to clause *b* or *f* of subsection 1, the landlord is entitled to make application forthwith under section 106.

Further  
contra-  
vention  
by tenant

(4) Where a notice of termination has become null and void under subsection 2 by reason of the tenant complying with the terms of the notice within the seven days and the tenant within six months thereafter again contravenes any of the clauses of subsection 1, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the fourteenth day after the notice is given, and the landlord is entitled to make application forthwith under section 106.

When writ of  
possession  
may issue

(5) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 3 or 4 shall not direct the issue of a writ of possession unless



the judge is satisfied that one or more of the causes of termination set out in subsection 1 exist.

(6) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

- (a) the tenant delivers up possession of the premises; or
- (b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

103g.—(1) Where a landlord gives notice of termination to a tenant under section 100, 101, 102, 103, 103a or 103b, the landlord may, not later than thirty days after the termination date specified in the notice of termination, make application under section 106 for an order directing the issue of a writ of possession and may join with the application a claim for any other order or judgment that the judge or clerk may make or give under that section. Termination by landlord at end of term for cause

(2) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

- (a) the tenant delivers up possession of the premises; or
- (b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

(3) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 1 shall not direct the issue of a writ of possession unless the judge is satisfied that one or more of the causes for termination of a tenancy agreement specified in section 103e or 103f exists or that, When writ of possession may issue

- (a) the landlord *bona fide* requires possession of the residential premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, and the landlord has complied with section 103b;
- (b) the tenant has persistently failed to pay rent on the date it becomes due and payable;
- (c) the residential premises in respect of which the notice of termination was given are administered

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c. N-10

for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or form part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) and the tenant has ceased to meet the qualifications required for occupancy of such premises;

(d) the tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has terminated; or

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c. 77

(e) the tenancy arose by virtue of or collateral to a *bona fide* agreement of purchase and sale of a proposed unit within the meaning of *The Condominium Act* and the agreement of purchase and sale has been terminated,

and the judge shall not consider any cause for termination not specifically mentioned in this Part.

s. 104,  
re-enacted

4. Section 104 of the said Act is repealed and the following substituted therefor:

Posting up  
notice  
provisions

104.—(1) A landlord,

(a) of a mobile home park; or

(b) renting more than one rented premises in the same building and retaining possession of part of the building for use of all tenants in common,

shall,

(c) post up conspicuously and maintain posted the legal name of the landlord and his address for service; and

(d) not later than the 1st day of February, 1976, post up conspicuously and maintain posted a copy of Part IV of this Act or a summary thereof as prescribed by the regulations.

Proceedings

(2) Any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name posted under clause *c* of subsection 1.

s. 106,  
re-enacted

5.—(1) Section 106 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 123, section 3, is repealed and the following substituted therefor:

SECTION 4. Section 104 of the Act presently reads as follows:

*104. Where a landlord rents more than one residential premises in the same building and retains possession of part for use of all tenants in common, the landlord shall post up conspicuously and maintain posted a copy of sections 98 to 103 and section 109, together with the legal name of the landlord and his address for service, and any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name so posted.*

The section is re-enacted to accommodate the extension of the Act to mobile homes situate within mobile home parks; the requirement of the posting of extracts of Part IV is enlarged to require the posting of the whole of Part IV.

SECTION 5. Section 106 of the Act as re-enacted incorporates the following new principles:

1. The reliefs available are enlarged to include applications for both return of a security deposit and interest, and an abatement of rent.
2. A tenant may now apply by summary application under it for termination of the tenancy prior to the end of the term or for the other reliefs available, or for any of them.
3. A summary application for possession is not a condition precedent to application for the other reliefs available.
4. A summary application for arrears of rent, compensation for overholding or an abatement of rent may only be brought under section 106 where the tenant is in possession at the time application is made.
5. Provision is made for the joining of related applications.



106.—(1) A landlord or a tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate for an order, Application for possession, arrears of rent, etc.

- (a) declaring the tenancy agreement terminated;
- (b) for a writ of possession;
- (c) for the payment of arrears of rent;
- (d) for the payment of compensation under section 105;
- (e) for return of a security deposit and interest thereon;
- (f) for an abatement of rent;
- (g) granting relief against forfeiture on such terms and conditions as the judge may decide,

or any of them.

(2) Application for an order under clause c, d, f or g of subsection 1 may be made only where the tenant is in possession, whether in accordance with the tenancy agreement or as an overholding tenant. Application

(3) Application may be made for an order under clause c, d, e, f or g of subsection 1 whether or not application is also made for an order under clause a or b of subsection 1. Idem

(4) The summary application shall be served on the respondent at least four clear days before the day for the return of the motion and it shall contain the following warning: Service of application and contents of notice

If you intend to dispute the applicant's claim, you must attend before the County Court Clerk at the hour of  
 ..... o'clock in the ..... noon on the ..... day of  
 ..... at his office in the Court House  
 at ..... or file with him before the .....  
 day of ..... a notice of dispute in writing, setting out briefly the grounds upon which you dispute the applicant's claim. If you do not attend or do not file a notice of dispute, the clerk of the court may sign an order directing,

- (a) that the tenancy agreement is terminated;
- (b) that a writ of possession issue;
- (c) judgment for the amount claimed for arrears of rent;
- (d) judgment for the payment of compensation under section 105;
- (e) judgment for the return of the security deposit and interest thereon;
- (f) that there be an abatement of rent in the amount claimed,

or any of them.

Dispute

(5) The respondent may dispute the applicant's claim by attending on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the applicant's claim.

Payment  
to clerk  
of amounts  
in dispute

(6) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 5 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,

- (a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and
- (b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid as substantiated by receipts filed or verified by affidavit.

Default  
judgment

(7) Where the claim of the applicant is not disputed, the clerk of the court may sign an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or may give judgment for the amount of arrears of rent, or for the amount of compensation under section 105 or for the return of the security deposit and interest thereon or for an abatement of rent or any of them, in accordance with the claim.



SECTION 6. Section 106*a* of the Act is new and provides a summary procedure for a landlord to obtain possession in the case where a tenant, having given notice of termination to the landlord, fails to vacate the premises on the day specified.

Section 106*b* is new and provides termination procedures in the case of caretaker's premises.

Sections 106*c* and 106*d* are presently found in the Act as sections 106*a* and 106*b*. There is no change in principle.

Section 106*e* is new and permits a party to any application under Part IV of the Act to be represented by an agent as well as by counsel.

Section 106*f* is new and permits representative actions.

Section 106*g* is new and permits the judge on a hearing under Part IV of the Act to permit, subject to the restrictions set out in the section, evidence that might not be admissible in a court.



(8) Where the clerk of the court signs an order or judgment under subsection 7, the respondent may, within seven days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Setting  
aside  
default  
judgment

(9) The judge may extend the time for bringing a motion under subsection 8 upon being satisfied that a proper case has been made for so doing.

Extension  
of time  
for motion  
to set  
aside

(10) Where the claim of the applicant is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint.

Hearing

(11) After a hearing, the judge shall determine the applicant's claim and may make an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or give judgment for the arrears of rent, or for compensation under section 105 found due, or for the return of the security deposit and interest thereon or for an abatement of rent, or any of them and, subject to clause *b* of subsection 2 of section 107, in any such order may impose such terms and conditions as the judge considers appropriate.

Order  
and  
judgment

(12) Where an application is brought under this section and application has also been brought under section 96 or 114, the judge may, in his discretion, fix a common date for the hearing and hear and determine all the matters at issue between the parties.

Judge may  
fix common  
hearing  
date

(2) This Act does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force.

Application  
R.S.O. 1970,  
c. 236

6. Sections 106a and 106b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 123, section 3, are repealed and the following substituted therefor:

ss. 106a, 106b,  
re-enacted

106a.—(1) Where a tenant has given a landlord notice of termination of a tenancy agreement or where there is an agreement to terminate in writing the landlord may, not later than thirty days after the termination date specified, file with the clerk of the county or district court of the county or district in which the premises are situated a copy of the notice of termination or agreement in writing verified by affidavit, and the clerk of the court shall sign an order directing that a writ of possession issue, effective not earlier than the date specified in the notice of termination or the agreement to terminate.

Application  
by landlord  
for writ of  
possession  
where tenant  
has given  
notice of  
termination  
or has agreed  
to  
termination

Setting  
aside  
order

(2) Where the clerk of the court signs an order under subsection 1, the tenant may, within four days after service thereof, apply to the judge *ex parte* to have the order set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Hearing

(3) Where the judge sets aside an order under subsection 2, the judge shall in writing appoint a time and place for a hearing to determine the landlord's claim and the provisions of section 106 apply *mutatis mutandis*.

Where  
notice of  
termination  
void

(4) A notice of termination given by a tenant to a landlord is void and of no effect unless,

(a) the tenant delivers up possession of the premises;  
or

(b) the landlord brings an application under this section,

not later than thirty days after the termination date specified in the notice.

Termination  
in respect  
of  
caretaker's  
premises

106b.—(1) Notwithstanding anything in this Part, where a landlord has entered into a tenancy agreement in respect of caretaker's premises, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which the employment of the tenant is terminated and the tenant shall within one week thereafter vacate the caretaker's premises.

Application  
by landlord  
under  
s. 106

(2) If the tenant fails to vacate the premises as set out in subsection 1, the landlord may forthwith make application under section 106.

No rent  
or  
compensation  
to be  
charged

(3) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Appeal

106c.—(1) An appeal lies to the Divisional Court from a final order or judgment of a judge under this Part.

Payment  
of  
rent

(2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 6 of section 106 in respect of a ground of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 6 of section 106 shall accompany the notice.

106d. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 6 of section 106 and subsection 2 of section 106c to the person entitled thereto.

Payment  
of rent  
out of  
court

106e.—(1) A party to an application under this Part may be represented by counsel or an agent.

Party  
may be  
represented  
by agent

(2) A judge of a county or district court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if he finds that such person is not competent properly to represent or to advise the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Exclusion  
of agents

106f. Where more than one person has a common interest in respect of an application under this Part, one or more of those persons may be authorized by a judge of the county or district court in which the premises are located to make or defend an application on behalf of, or for the benefit of all.

Representative  
actions

106g.—(1) Subject to subsections 2 and 3, a judge of the county or district court may admit as evidence at a hearing under this Part, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

What  
evidence  
is  
admissible

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject-matter of the proceedings and may act on such evidence, but the judge may exclude anything unduly repetitious.

- (2) Nothing is admissible in evidence at a hearing,
  - (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
  - (b) that is inadmissible by any statute.

What  
evidence  
is  
inadmissible

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Conflicts

## Copies

(4) Where a judge is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

## Photocopies

(5) Where a document has been filed in evidence at a hearing, the judge may, or the person producing it or entitled to it may with the leave of the judge cause the document to be photocopied and the judge may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the judge.

## Certified copy admissible in evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by the judge, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

## s. 107 (1), amended

7.—(1) Subsection 1 of section 107 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 4, is further amended by adding at the end thereof “or 106a”.

## s. 107 (2, 3), re-enacted

(2) Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1972, chapter 123, section 4, of the said section 107 are repealed and the following substituted therefor:

## Power of judge

(2) Upon any application of a landlord for a writ of possession a judge may, notwithstanding any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless he is satisfied, having regard to all the circumstances, that it would be unfair to do so; or

(b) order that the enforcement of the writ of possession be postponed for a period not exceeding one week.

## Idem

(3) Without restricting the generality of subsection 2, the judge shall refuse to grant the application where he is satisfied that,

(a) the landlord is in breach of his responsibilities under this Act or of any material covenant in the tenancy agreement;

(b) a reason for the application being brought is that the tenant has complained to any govern-

SECTION 7.—Subsection 1. Subsection 1 of section 107 of the Act presently reads as follows:

*107.—(1) Unless a tenant has vacated or abandoned rented premises, the landlord shall not regain possession of the premises on the grounds he is entitled to possession except under the authority of a writ of possession obtained under section 106.*

The reference to 106a added at the end of subsection 1 of section 107 is consequent upon the enactment of section 106a by section 6 of the Bill.

Subsection 2. Subsections 2 and 3 of section 107 presently read as follows:

*(2) In any proceeding by a landlord for possession, if it appears to the judge that,*

*(a) the notice to quit was given because of the tenant's complaint to any governmental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards, including any housing standard law; or*

*(b) the notice to quit was given because of the tenant's attempt to secure or enforce his legal rights,*

*the judge may refuse to grant an order or writ for possession and may declare the notice to quit invalid and the notice to quit shall be deemed not to have been given.*

*(3) A landlord shall not withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement during the tenant's occupation of the premises and until the date on which a writ of possession is executed.*

The re-enacted subsections 2 and 3 enlarge the power of the judge to grant equitable relief in appropriate circumstances.

The new subsection 4 prohibits a landlord from conduct designed to cause a tenant to give up possession of his premises.

SECTION 8. Sections 86, 93, 111, 112 and 113 of the Act are added as sections the contravention of which constitutes a summary conviction offence.

mental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards including any housing standard or by-law;

(c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights; or

(d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association.

(e) a reason for the application being brought is that the premises are occupied by children, provided that the occupation by the children does not constitute overcrowding and the premises are suitable for children.

(4) A landlord shall not,

Withholding  
services

(a) withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement or deliberately interfere with the supply of any such vital service whether or not it is his obligation to supply such service during the tenant's occupation of the premises and until the date on which a writ of possession is executed; or

(b) substantially interfere with the reasonable enjoyment of the premises for all usual purposes by a tenant or members of his household with intent to cause the tenant to give up possession of the premises or to refrain from asserting any of the rights provided by this Act or provided by the tenancy agreement.

8. Subsection 1 of section 108 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 5, is repealed and the following substituted therefor:

s. 108 (1),  
re-enacted

(1) Any person who knowingly contravenes section 84, 85, 86, 93, 94, 95, 104, 107, 111, 112 or 113 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Penalties

s. 109 (1) (a),  
amended

9. Clause *a* of subsection 1 of section 109 of the said Act is amended by inserting after "be" in the second line and after "sufficiently" in the third line "served".

ss. 111-116,  
enacted

10. The said Act is amended by adding thereto the following sections:

#### MOBILE HOME PARKS

Tenant's  
right to  
sell, etc.

111.—(1) Subject to subsections 2 and 3, a tenant has the right to sell, lease, or otherwise part with the possession of his mobile home while it is situated within a mobile home park.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof.

Consent

(3) A tenancy agreement may provide that the right of a tenant to sell, lease, or otherwise part with possession of his mobile home while it is situated in a mobile home park is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in section 3, except his reasonable expenses incurred thereby.

Determina-  
tion of  
disputes

(5) A landlord or a tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate, who may determine any question arising under subsections 3 and 4.

Landlord as  
agent

(6) A landlord shall not act as the agent of the tenant in any negotiations to sell, lease, or otherwise part with the possession of a mobile home situated in a mobile home park, except pursuant to a written agency contract.

Entrance and  
exit fees  
prohibited

112. A landlord shall not make any charge whatsoever in respect of,

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;



SECTION 9. The amendment clarifies the method by which notices may be served.

SECTION 10. Sections 111, 112, 113 and 114 are added to the Act and govern mobile home parks and the mutual rights and obligations of the owner of the park and the tenants who occupy mobile home sites within the park.

Section 115 is new and requires a landlord who proposes to increase the rent charged for residential premises to give the tenant at least ninety days prior notice of the increase. A tenant who does not elect to terminate his tenancy at the end of the term on receiving notice of rent increase is deemed to have accepted the increase, subject in the case of premises governed by *The Residential Premises Rent Review Act, 1975*, to whatever limitation on rental increases is provided by that Act.

Section 116 is new and confers power on the Lieutenant Governor in Council to make regulations for the purposes of the Act.



- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except to the extent of his reasonable expenses incurred thereby.

113.—(1) Subject to subsections 2 and 3, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint of trade prohibited

(2) A landlord may set reasonable standards for mobile home equipment. Standards

(3) Where a tradesman has,

- (a) unduly disturbed the peace and quiet of the mobile home park; When tradesman may be prohibited from entry
- (b) failed to observe such reasonable rules of conduct as have been established by the landlord; or
- (c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue such conduct, the landlord may after due notice restrict or prohibit the entry of such tradesman into the mobile home park.

114.—(1) A landlord is responsible for,

- (a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals; Responsibility of landlord
- (b) maintaining mobile home park roads in a good state of repair;
- (c) removing excess snow from mobile home park roads;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

tended for the common use of the tenants in a good state of repair; and

- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

Responsi-  
bility  
of tenant

(2) The tenant is responsible for ordinary cleanliness of the rented premises and for repair of damage to the landlord's property caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him.

Enforcement

(3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the mobile home park is situate and the judge may,

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

#### NOTICE OF RENT INCREASE

Notice of  
rent  
increase

115.—(1) A landlord shall not increase the rent for residential premises unless he serves on the tenant a notice in writing setting out his intention to increase the rent and the amount of the increase intended to be made not less than ninety days prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

Where tenant  
fails to  
give notice  
of  
termination

(2) Where a tenant who receives a notice under subsection 1 fails to give to the landlord notice of termination in accordance with section 99 within the time required under section 100, 101, 102, 103 or 103a, as the case requires, he shall be deemed to have accepted,

- (a) where the amount of the rent increase is not subject to review by law,



SECTION 11. The forms being repealed provide the form of a notice of termination that may be given by a landlord to a tenant or by a tenant to a landlord. Forms will now be prescribed by regulations made under the new section 116 of the Act.

SECTION 12. The section is transitional in respect of mobile home sites.

- (i) the amount of the rent increase specified in the notice of the landlord, or
- (ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

(b) where the amount of the rent increase is subject to review by law, such amount of rent increase as does not exceed the amount allowed under the law.

(3) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 2, does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under any law in force that provides for the review of rent increases. Deemed acceptance does not constitute waiver of tenant's rights

(4) Subject to the provisions of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, an increase in rent by the landlord where the landlord has not served a notice according to the provisions of subsection 1 is void. Where increase void 1975 (2nd Sess.), c. 12

116. The Lieutenant Governor in Council may make regulations, Regulations

- (a) designating classes of accommodation that are deemed not to be residential premises for the purposes of this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

11. Forms 4 and 5 of the said Act are repealed.

Forms 4, 5, repealed

12. Notwithstanding any reference to the 1st day of January, 1970, in Part IV of *The Landlord and Tenant Act*, the provisions of *The Landlord and Tenant Act*, in so far as they relate to residential premises as defined in subclause ii of clause *c* of section 1 of *The Landlord and Tenant Act*, as enacted by section 1 of this Act, apply only on and after the day this Act comes into force.

Application to mobile home sites R.S.O. 1970, c. 236

13. This Act comes into force on the day it receives Royal Assent.

Commencement

14. This Act may be cited as *The Landlord and Tenant Amendment Act, 1975 (2nd Session)*.

Short title







An Act to amend  
The Landlord and Tenant Act

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*1st Reading*

November 14th, 1975

*2nd Reading*

November 25th, 1975

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 26**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Landlord and Tenant Act**

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THE HON. R. MCMURTRY  
Attorney General

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## An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Landlord and Tenant Act*, being <sup>s. 1(c),</sup> chapter 236 of the Revised Statutes of Ontario, 1970, is <sub>re-enacted</sub> repealed and the following substituted therefor:

(c) "residential premises" means,

- (i) any premises used or intended for use for residential purposes, and
- (ii) land intended and used as a site for a mobile home used for residential purposes, whether or not the landlord also supplies the mobile home,

but does not include,

- (iii) premises occupied for business purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business purposes, in which case the living accommodation shall be deemed residential premises, or
- (iv) such other class or classes of accommodation as may be designated by the regulations.

2. Section 81 of the said Act is repealed and the following <sup>s. 81,</sup> substituted therefor: <sub>re-enacted</sub>

81. In this Part,

- (a) "caretaker's premises" means residential premises used for residential purposes by a person employed

Interpreta-  
tion

as a caretaker, janitor, manager, watchman, security guard, or superintendent in respect of the building in which the residential premises are situated;

- (b) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (c) "mobile home park" means the residential premises and the land, structures and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord where two or more occupied mobile homes are located for a period of sixty days or more;
- (d) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (e) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

ss. 98-103,  
re-enacted

3. Sections 98 and 99, section 100 as amended by the Statutes of Ontario, 1972, chapter 123, section 2, and sections 101, 102 and 103 of the said Act are repealed and the following substituted therefor:

Notice of  
termination  
of tenancy

98.—(1) Except as expressly otherwise provided in this Act, no tenancy of residential premises whether weekly, monthly, year to year or for any term certain, shall be terminated except upon notice by the landlord or the tenant given to the other in accordance with the provisions of this Part.

Exception

(2) Nothing in subsection 1 prevents a tenant at any time prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed term,

from making application under section 96, 106 or 114 for an order declaring the tenancy terminated where the tenant alleges an act or omission on the part of the landlord that constitutes grounds for such termination.

(3) Subsection 1 does not apply so as to require a landlord to give notice of termination where a tenant abandons residential premises or so as to require notice of termination by either party where there is a surrender of the tenancy agreement.

99.—(1) A notice of termination of a tenancy shall be in writing and shall, Content  
of  
notice

- (a) be signed by the person giving the notice, or his agent;
- (b) identify the premises in respect of which the notice is given;
- (c) state the date on which the tenancy is to terminate; and
- (d) where a notice of termination is given by a landlord,
  - (i) specify the reasons and particulars respecting the termination, and
  - (ii) inform the tenant that he need not vacate the premises pursuant to the notice, but that the landlord may regain possession by application for a writ of possession to be obtained from the clerk or judge of the county court, which application the tenant is entitled to dispute.

(2) A notice of termination need not be in any particular form but notice may be given in the form prescribed by the regulations made under this Act. Form  
of  
notice

100.—(1) A notice to terminate a weekly tenancy shall be given not less than twenty-eight days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a week of the tenancy. Notice  
to  
terminate  
weekly  
tenancy

(2) For the purposes of this section, “week of the tenancy” Idem means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to  
terminate  
monthly  
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given not less than sixty days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a month of the tenancy.

Idem

(2) For the purpose of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to  
terminate  
yearly  
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given not less than sixty days before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Notice to  
terminate  
tenancy  
for fixed  
term of  
less than  
one year

103. A notice to terminate a tenancy for a fixed term of less than one year shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice to  
terminate  
tenancy  
for fixed  
term of  
one year  
or more

103a. A notice to terminate a tenancy for a fixed term of one year or any longer period shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice where  
landlord  
personally,  
etc.,  
requires  
premises

103b. Notwithstanding section 100, 101, 102, 103 or 103a, where a landlord *bona fide* requires possession of residential premises at the end of,

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed term,

for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, the period of the notice of termination required to be given is not less than sixty days.

Renewal  
of tenancy  
agreement  
for fixed  
term

103c.—(1) Subject to subsection 2, upon the expiration of a tenancy agreement for a fixed term, the landlord and



the tenant shall be deemed to have renewed the tenancy agreement as a monthly tenancy agreement upon the same terms and conditions as are provided for in the expired tenancy agreement.

(2) Subsection 1 does not apply where the landlord and the tenant enter into a new tenancy agreement before the expiration of the term specified in the old tenancy agreement. <sup>Exception</sup>

103*d*.—(1) Notwithstanding section 100, 101, 102, 103, 103*a* or 103*b*, where a landlord requires possession of residential premises for the purposes of, <sup>Termination for demolition, etc.</sup>

- (a) demolition;
- (b) conversion to use for a purpose other than rental residential premises; or
- (c) repairs or renovations so extensive as to require a building permit and vacant possession of the premises,

the landlord may, at any time during the currency of the tenancy agreement, give notice of termination of the tenancy agreement, provided that the date of termination specified shall not be sooner than,

- (d) 120 days after the date the notice is given; and
- (e) the end of the tenancy agreement.

(2) Where a tenant receives notice of termination under subsection 1, he may at any time prior to the date specified in the notice terminate the tenancy agreement by, <sup>Earlier termination by tenant</sup>

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date he gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due,

the tenant is entitled to take into account the amount of any security deposit he has paid for rent.

Tenant has right of first refusal

(3) Where a tenant has received notice of termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the premises, that he wishes to have a first refusal to occupy the premises as a tenant when the repairs or renovations are completed, the tenant shall have such right of first refusal to occupy the premises, at the lowest rent that would be charged to any other tenant for the same premises, provided that the tenant informs the landlord by registered mail of any change of address.

Application by landlord under section 106

(4) A landlord who has given a notice of termination under subsection 1, may, not later than thirty days after the termination date specified in the notice of termination, make an application under section 106 for an order directing the issue of a writ of possession to be effective on a day not earlier than the termination date specified in the notice of termination.

Where notice of termination void

(5) A notice of termination given by a landlord under subsection 1 is void and of no effect unless,

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106, not later than thirty days after the termination date specified in the notice of termination.

When writ of possession may issue

(6) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 4, shall not direct the issue of a writ of possession unless he is satisfied that the landlord *bona fide* intends to demolish the premises, convert them to another use or extensively repair or renovate the premises, as the case may be, and has obtained all necessary permits or other authority that may be required to do so.

Early termination for non-payment of rent

103*e*.—(1) Notwithstanding section 100, 101, 102, 103, 103*a* or 103*b*, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given.

Notice to specify right of tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded within fourteen days of his receiving the notice of termination.

(3) Where a tenant who receives notice of termination under subsection 1 pays to the landlord the rent that is due in accordance with the tenancy agreement and within fourteen days of the day he receives the notice, the notice of termination is void and of no effect.

Notice void where rent paid

(4) Where a tenant fails to pay the rent demanded within the fourteen days mentioned in subsection 2, the landlord is entitled to make application forthwith under section 106.

Application by landlord under s. 106

(5) Where application is brought by the landlord under section 106 and the tenant at any time before the judgment has become final, pays into court all the rent in arrears and the costs of the application, the proceedings in the application are forever stayed.

When proceedings may be stayed

103f.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where,

Early termination by landlord for cause

- (a) a tenant causes or permits undue damage to the rented premises or its environs and whether by his own wilful or negligent acts or by those of any person whom the tenant permits on the residential premises;
- (b) a tenant at any time during the term of the tenancy exercises or carries on, or permits to be exercised or carried on, in or upon the residential premises or any part thereof, any illegal act, trade, business, occupation or calling;
- (c) the conduct of the tenant or a person permitted in the residential premises by him is such that it substantially interferes with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (d) the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises is or has been seriously impaired by an act or omission of the tenant or a person permitted in the residential premises by him where such act or omission occurs in the residential premises or its environs; or
- (e) the number of persons occupying the residential premises on a continuing basis results in the contravention of health or safety standards including any housing standards required by law;

- (f) a tenant of residential premises administered for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or forming part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) has knowingly and materially misrepresented his income or that of other members of his family occupying the residential premises,

R.S.C. 1970,  
c. N-10

the landlord may serve on the tenant a notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given, specifying the act or acts complained of, and requiring the tenant, within seven days, to pay to the landlord the reasonable costs of repairing the premises or to make the repairs to the reasonable satisfaction of the landlord in the case mentioned in clause *a* or to cease and desist from the activities in the cases mentioned in clause *c* or *d* or to reduce the number of persons occupying the premises in the case mentioned in clause *e*.

Notice void  
where  
tenant  
complies

(2) Where a tenant who receives a notice from a landlord under clause *a*, *c*, *d* or *e* of subsection 1 within seven days of his receiving the notice pays the reasonable costs of repairs or makes arrangements satisfactory to the landlord to pay such costs or to make such repairs to the reasonable satisfaction of the landlord, or ceases and desists from the activities or reduces the number of persons occupying the premises, as the case may require, the notice of termination is null and void.

Application  
by landlord  
under  
s. 106,  
etc.

(3) Where a tenant fails to comply with the terms of a notice served under subsection 1 within the seven day period specified in subsection 2 or where the notice is served pursuant to clause *b* or *f* of subsection 1, the landlord is entitled to make application forthwith under section 106.

Further  
contra-  
vention  
by tenant

(4) Where a notice of termination has become null and void under subsection 2 by reason of the tenant complying with the terms of the notice within the seven days and the tenant within six months thereafter again contravenes any of the clauses of subsection 1, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the fourteenth day after the notice is given, and the landlord is entitled to make application forthwith under section 106.

When writ of  
possession  
may issue

(5) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 3 or 4 shall not direct the issue of a writ of possession unless

the judge is satisfied that one or more of the causes of termination set out in subsection 1 exist.

(6) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

103g.—(1) Where a landlord gives notice of termination to a tenant under section 100, 101, 102, 103, 103a or 103b, the landlord may, not later than thirty days after the termination date specified in the notice of termination, make application under section 106 for an order directing the issue of a writ of possession and may join with the application a claim for any other order or judgment that the judge or clerk may make or give under that section. Termination by landlord at end of term for cause

(2) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

(3) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 1 shall not direct the issue of a writ of possession unless the judge is satisfied that one or more of the causes for termination of a tenancy agreement specified in section 103e or 103f exists or that, When writ of possession may issue

(a) the landlord *bona fide* requires possession of the residential premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, and the landlord has complied with section 103b;

(b) the tenant has persistently failed to pay rent on the date it becomes due and payable;

(c) the residential premises in respect of which the notice of termination was given are administered

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for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or form part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) and the tenant has ceased to meet the qualifications required for occupancy of such premises;

(d) the tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has terminated; or

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c. 77

(e) the tenancy arose by virtue of or collateral to a *bona fide* agreement of purchase and sale of a proposed unit within the meaning of *The Condominium Act* and the agreement of purchase and sale has been terminated,

and the judge shall not consider any cause for termination not specifically mentioned in this Part.

s. 104,  
re-enacted

4. Section 104 of the said Act is repealed and the following substituted therefor:

Posting up  
notice  
provisions

104.—(1) A landlord,

(a) of a mobile home park; or

(b) renting more than one rented premises in the same building and retaining possession of part of the building for use of all tenants in common,

shall,

(c) post up conspicuously and maintain posted the legal name of the landlord and his address for service; and

(d) not later than the 1st day of February, 1976, post up conspicuously and maintain posted a copy of Part IV of this Act or a summary thereof as prescribed by the regulations.

Proceedings

(2) Any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name posted under clause *c* of subsection 1.

s. 106,  
re-enacted

5.—(1) Section 106 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 123, section 3, is repealed and the following substituted therefor:

106.—(1) A landlord or a tenant may apply by summary <sup>Application for possession, arrears of rent, etc.</sup> application to a judge of the county or district court of the county or district in which the premises are situate for an order,

- (a) declaring the tenancy agreement terminated;
- (b) for a writ of possession;
- (c) for the payment of arrears of rent;
- (d) for the payment of compensation under section 105;
- (e) for return of a security deposit and interest thereon;
- (f) for an abatement of rent;
- (g) granting relief against forfeiture on such terms and conditions as the judge may decide,

or any of them.

(2) Application for an order under clause *c*, *d*, *f* or *g* <sup>Application</sup> of subsection 1 may be made only where the tenant is in possession, whether in accordance with the tenancy agreement or as an overholding tenant.

(3) Application may be made for an order under clause <sup>Idem</sup> *c*, *d*, *e*, *f* or *g* of subsection 1 whether or not application is also made for an order under clause *a* or *b* of subsection 1.

(4) The summary application shall be served on the respondent at least four clear days before the day for the return of the motion and it shall contain the following <sup>Service of application and contents of notice</sup> warning:

If you intend to dispute the applicant's claim, you must attend before the County Court Clerk at the hour of

..... o'clock in the ..... noon on the ..... day of

..... at his office in the Court House

at ..... or file with him before the .....

day of ..... a notice of dispute in writing, setting out briefly the grounds upon which you dispute the applicant's claim. If you do not attend or do not file a notice of dispute, the clerk of the court may sign an order directing,

- (a) that the tenancy agreement is terminated;
- (b) that a writ of possession issue;
- (c) judgment for the amount claimed for arrears of rent;
- (d) judgment for the payment of compensation under section 105;
- (e) judgment for the return of the security deposit and interest thereon;
- (f) that there be an abatement of rent in the amount claimed,

or any of them.

Dispute

(5) The respondent may dispute the applicant's claim by attending on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the applicant's claim.

Payment to clerk of amounts in dispute

(6) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 5 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,

- (a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and
- (b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid as substantiated by receipts filed or verified by affidavit.

Default judgment

(7) Where the claim of the applicant is not disputed, the clerk of the court may sign an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or may give judgment for the amount of arrears of rent, or for the amount of compensation under section 105 or for the return of the security deposit and interest thereon or for an abatement of rent or any of them, in accordance with the claim.



(8) Where the clerk of the court signs an order or judgment under subsection 7, the respondent may, within seven days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Setting  
aside  
default  
judgment

(9) The judge may extend the time for bringing a motion under subsection 8 upon being satisfied that a proper case has been made for so doing.

Extension  
of time  
for motion  
to set  
aside

(10) Where the claim of the applicant is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint.

Hearing

(11) After a hearing, the judge shall determine the applicant's claim and may make an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or give judgment for the arrears of rent, or for compensation under section 105 found due, or for the return of the security deposit and interest thereon or for an abatement of rent, or any of them and, subject to clause *b* of subsection 2 of section 107, in any such order may impose such terms and conditions as the judge considers appropriate.

Order  
and  
judgment

(12) Where an application is brought under this section and application has also been brought under section 96 or 114, the judge may, in his discretion, fix a common date for the hearing and hear and determine all the matters at issue between the parties.

Judge may  
fix common  
hearing  
date

(2) This Act does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force.

Application  
R.S.O. 1970,  
c. 236

6. Sections 106*a* and 106*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 123, section 3, are repealed and the following substituted therefor:

ss. 106*a*, 106*b*,  
re-enacted

106*a*.—(1) Where a tenant has given a landlord notice of termination of a tenancy agreement or where there is an agreement to terminate in writing the landlord may, not later than thirty days after the termination date specified, file with the clerk of the county or district court of the county or district in which the premises are situated a copy of the notice of termination or agreement in writing verified by affidavit, and the clerk of the court shall sign an order directing that a writ of possession issue, effective not earlier than the date specified in the notice of termination or the agreement to terminate.

Application  
by landlord  
for writ of  
possession  
where tenant  
has given  
notice of  
termination  
or has agreed  
to  
termination

Setting  
aside  
order

(2) Where the clerk of the court signs an order under subsection 1, the tenant may, within four days after service thereof, apply to the judge *ex parte* to have the order set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Hearing

(3) Where the judge sets aside an order under subsection 2, the judge shall in writing appoint a time and place for a hearing to determine the landlord's claim and the provisions of section 106 apply *mutatis mutandis*.

Where  
notice of  
termination  
void

(4) A notice of termination given by a tenant to a landlord is void and of no effect unless,

(a) the tenant delivers up possession of the premises;  
or

(b) the landlord brings an application under this section, not later than thirty days after the termination date specified in the notice.

Termination  
in respect  
of  
caretaker's  
premises

106b.—(1) Notwithstanding anything in this Part, where a landlord has entered into a tenancy agreement in respect of caretaker's premises, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which the employment of the tenant is terminated and the tenant shall within one week thereafter vacate the caretaker's premises.

Application  
by landlord  
under  
s. 106

(2) If the tenant fails to vacate the premises as set out in subsection 1, the landlord may forthwith make application under section 106.

No rent  
or  
compensation  
to be  
charged

(3) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Appeal

106c.—(1) An appeal lies to the Divisional Court from a final order or judgment of a judge under this Part.

Payment  
of  
rent

(2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 6 of section 106 in respect of a ground of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 6 of section 106 shall accompany the notice.

106*d*. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 6 of section 106 and subsection 2 of section 106*c* to the person entitled thereto. Payment of rent out of court

106*e*.—(1) A party to an application under this Part may be represented by counsel or an agent. Party may be represented by agent

(2) A judge of a county or district court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if he finds that such person is not competent properly to represent or to advise the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser. Exclusion of agents

106*f*. Where more than one person has a common interest in respect of an application under this Part, one or more of those persons may be authorized by a judge of the county or district court in which the premises are located to make or defend an application on behalf of, or for the benefit of all. Representative actions

106*g*.—(1) Subject to subsections 2 and 3, a judge of the county or district court may admit as evidence at a hearing under this Part, whether or not given or proven under oath or affirmation or admissible as evidence in a court, What evidence is admissible

- (a) any oral testimony; and
- (b) any document or other thing,

relevant to the subject-matter of the proceedings and may act on such evidence, but the judge may exclude anything unduly repetitious.

- (2) Nothing is admissible in evidence at a hearing, What evidence is inadmissible
  - (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
  - (b) that is inadmissible by any statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings. Conflicts

## Copies

(4) Where a judge is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

## Photocopies

(5) Where a document has been filed in evidence at a hearing, the judge may, or the person producing it or entitled to it may with the leave of the judge cause the document to be photocopied and the judge may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the judge.

## Certified copy admissible in evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by the judge, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

## s. 107 (1), amended

7.—(1) Subsection 1 of section 107 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 4, is further amended by adding at the end thereof "or 106a".

## s. 107 (2, 3), re-enacted

(2) Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1972, chapter 123, section 4, of the said section 107 are repealed and the following substituted therefor:

## Power of judge

(2) Upon any application of a landlord for a writ of possession a judge may, notwithstanding any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless he is satisfied, having regard to all the circumstances, that it would be unfair to do so; or

(b) order that the enforcement of the writ of possession be postponed for a period not exceeding one week.

## Idem

(3) Without restricting the generality of subsection 2, the judge shall refuse to grant the application where he is satisfied that,

(a) the landlord is in breach of his responsibilities under this Act or of any material covenant in the tenancy agreement;

(b) a reason for the application being brought is that the tenant has complained to any govern-

mental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards including any housing standard or by-law;

- (c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights; or
- (d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association.
- (e) a reason for the application being brought is that the premises are occupied by children, provided that the occupation by the children does not constitute overcrowding and the premises are suitable for children.

(4) A landlord shall not,

Withholding  
services

- (a) withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement or deliberately interfere with the supply of any such vital service whether or not it is his obligation to supply such service during the tenant's occupation of the premises and until the date on which a writ of possession is executed; or
- (b) substantially interfere with the reasonable enjoyment of the premises for all usual purposes by a tenant or members of his household with intent to cause the tenant to give up possession of the premises or to refrain from asserting any of the rights provided by this Act or provided by the tenancy agreement.

8. Subsection 1 of section 108 of the said Act, as amended by <sup>s. 108 (1),</sup> the Statutes of Ontario, 1972, chapter 123, section 5, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(1) Any person who knowingly contravenes section 84, <sup>Penalties</sup> 85, 86, 93, 94, 95, 104, 107, 111, 112 or 113 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

s. 109 (1) (a),  
amended

9. Clause *a* of subsection 1 of section 109 of the said Act is amended by inserting after "be" in the second line and after "sufficiently" in the third line "served".

ss. 111-116,  
enacted

10. The said Act is amended by adding thereto the following sections:

#### MOBILE HOME PARKS

Tenant's  
right to  
sell, etc.

111.—(1) Subject to subsections 2 and 3, a tenant has the right to sell, lease, or otherwise part with the possession of his mobile home while it is situated within a mobile home park.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof.

Consent

(3) A tenancy agreement may provide that the right of a tenant to sell, lease, or otherwise part with possession of his mobile home while it is situated in a mobile home park is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in section 3, except his reasonable expenses incurred thereby.

Determina-  
tion of  
disputes

(5) A landlord or a tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate, who may determine any question arising under subsections 3 and 4.

Landlord as  
agent

(6) A landlord shall not act as the agent of the tenant in any negotiations to sell, lease, or otherwise part with the possession of a mobile home situated in a mobile home park, except pursuant to a written agency contract.

Entrance and  
exit fees  
prohibited

112. A landlord shall not make any charge whatsoever in respect of,

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;

- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except to the extent of his reasonable expenses incurred thereby.

113.—(1) Subject to subsections 2 and 3, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. <sup>Restraint of trade prohibited</sup>

(2) A landlord may set reasonable standards for mobile home equipment. <sup>Standards</sup>

(3) Where a tradesman has,

- (a) unduly disturbed the peace and quiet of the mobile home park;
- (b) failed to observe such reasonable rules of conduct as have been established by the landlord; or
- (c) violated the traffic rules of the mobile home park,

<sup>When tradesman may be prohibited from entry</sup>

despite a request by the landlord to discontinue such conduct, the landlord may after due notice restrict or prohibit the entry of such tradesman into the mobile home park.

114.—(1) A landlord is responsible for,

- (a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals;
- (b) maintaining mobile home park roads in a good state of repair;
- (c) removing excess snow from mobile home park roads;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

<sup>Responsibility of landlord</sup>

tended for the common use of the tenants in a good state of repair; and

(f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

Responsibility  
of tenant

(2) The tenant is responsible for ordinary cleanliness of the rented premises and for repair of damage to the landlord's property caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him.

Enforcement

(3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the mobile home park is situate and the judge may,

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

#### NOTICE OF RENT INCREASE

Notice of  
rent  
increase

115.—(1) A landlord shall not increase the rent for residential premises unless he serves on the tenant a notice in writing setting out his intention to increase the rent and the amount of the increase intended to be made not less than ninety days prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

Where tenant  
fails to  
give notice  
of  
termination

(2) Where a tenant who receives a notice under subsection 1 fails to give to the landlord notice of termination in accordance with section 99 within the time required under section 100, 101, 102, 103 or 103a, as the case requires, he shall be deemed to have accepted,

- (a) where the amount of the rent increase is not subject to review by law,



- (i) the amount of the rent increase specified in the notice of the landlord, or
- (ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

(b) where the amount of the rent increase is subject to review by law, such amount of rent increase as does not exceed the amount allowed under the law.

(3) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 2, does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under any law in force that provides for the review of rent increases. Deemed acceptance does not constitute waiver of tenant's rights

(4) Subject to the provisions of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, an increase in rent by the landlord where the landlord has not served a notice according to the provisions of subsection 1 is void. Where increase void 1975 (2nd Sess.), c. 12

116. The Lieutenant Governor in Council may make regulations, Regulations

- (a) designating classes of accommodation that are deemed not to be residential premises for the purposes of this Act;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

11. Forms 4 and 5 of the said Act are repealed.

Forms 4, 5. repealed

12. Notwithstanding any reference to the 1st day of January, 1970, in Part IV of *The Landlord and Tenant Act*, the provisions of *The Landlord and Tenant Act*, in so far as they relate to residential premises as defined in subclause ii of clause *c* of section 1 of *The Landlord and Tenant Act*, as enacted by section 1 of this Act, apply only on and after the day this Act comes into force. Application to mobile home sites R.S.O. 1970. c. 236

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. This Act may be cited as *The Landlord and Tenant Amendment Act, 1975 (2nd Session)*. Short title

An Act to amend  
The Landlord and Tenant Act

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*1st Reading*

November 14th, 1975

*2nd Reading*

November 25th, 1975

*3rd Reading*

December 18th, 1975

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THE HON. R. McMURTRY  
Attorney General

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Highway Traffic Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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## EXPLANATORY NOTES

The amendment basically requires the use of seat belts in motor vehicles being driven on highways where the motor vehicles are equipped with seat belts in accordance with the *Motor Vehicle Safety Act* (Canada).

Where a motor vehicle is required by the *Motor Vehicle Safety Act* (Canada) to be equipped with seat belts, it is an offence to drive that vehicle on the highway if the belts have been modified or removed.

Where seat belts are provided in a motor vehicle, it is an offence to drive that vehicle or to be a passenger in that vehicle on the highway, without wearing the appropriate belts. Exemptions are provided for,

1. a person driving the vehicle in reverse;
2. a person holding a doctor's certificate stating that the person is unable, for medical reasons, to wear a belt;
3. a person who is unable, because of physical characteristics, to wear the belt;
4. a person who is required by the nature of his work to enter and leave the vehicle frequently;
5. a person under the age of sixteen years.

In the case of children between the ages of two and sixteen, the driver of the vehicle commits an offence if he drives the vehicle on the highway without requiring any such child to wear the appropriate belt. Exemptions are provided in respect of children who hold a doctor's certificate stating that they are unable, for medical reasons, to wear a belt, who are unable to wear a belt because of physical characteristics or who are engaged in work which requires them to enter and leave the vehicle frequently.

There is provision for the Lieutenant Governor in Council to make regulations requiring the use of child restraint systems and prescribing specifications therefor and exempting classes of motor vehicles, drivers or passengers from any of the foregoing provisions.

Section 147 (2) of the Act is amended to exempt owners of motor vehicles from liability in respect of the wearing of seat belts where they are not driving the vehicles.

Section 147 (2) at present reads as follows:

- (2) *The owner of a motor vehicle or a motor assisted bicycle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway.*

The 1975 amendment striking out "or a motor assisted bicycle" in the first and second lines has not been proclaimed.

## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 63a,  
enacted

63a.—(1) In this section, “seat belt assembly” means a Definition  
device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, modified or rendered partly or wholly inoperative. Seat belt  
assembly,  
R.S.C. 1970,  
c. 26,  
(1st Supp.)

(3) Subject to subsection 5, every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of  
seat belt  
assembly  
by driver

(4) Subject to subsection 5, every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of seat  
belt assem-  
bly by  
passenger

## Exemption

- (5) Subsections 3 and 4 do not apply to a person,
- (a) driving a motor vehicle in reverse;
  - (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; or
  - (d) under the age of sixteen years.

Driver to ensure passenger uses seat belt assembly

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

## Exception

- (7) Subsection 6 does not apply where the passenger,
- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly; or
  - (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 25 miles per hour.

(8) The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

(a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;

(b) providing for the exemption from any of the provisions of this section of,

(i) any type or class of motor vehicles,

(ii) any class of drivers or passengers in motor vehicles.

2. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34 and 1975, chapter 78, section 11, is repealed and the following substituted therefor: <sup>s. 147 (2), re-enacted</sup>

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of subsection 3 or 6 of section 63a or of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or under subsection 8 of section 63a or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. <sup>Owner when not driver not liable for penalties</sup>

3. This Act comes into force on the 1st day of January, 1976. <sup>Commencement</sup>

4. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>







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An Act to amend  
The Highway Traffic Act

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*1st Reading*

November 18th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Highway Traffic Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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*(Reprinted as amended by the Committee of the Whole House)*

## EXPLANATORY NOTES

The amendment basically requires the use of seat belts in motor vehicles being driven on highways where the motor vehicles are equipped with seat belts in accordance with the *Motor Vehicle Safety Act* (Canada).

Where a motor vehicle is required by the *Motor Vehicle Safety Act* (Canada) to be equipped with seat belts, it is an offence to drive that vehicle on the highway if the belts have been modified or removed.

Where seat belts are provided in a motor vehicle, it is an offence to drive that vehicle or to be a passenger in that vehicle on the highway, without wearing the appropriate belts. Exemptions are provided for,

1. a person driving the vehicle in reverse;
2. a person holding a doctor's certificate stating that the person is unable, for medical reasons, to wear a belt;
3. a person who is unable, because of physical characteristics, to wear the belt;
4. a person who is required by the nature of his work to enter and leave the vehicle frequently;
5. a person under the age of sixteen years.

In the case of children between the ages of two and sixteen, the driver of the vehicle commits an offence if he drives the vehicle on the highway without requiring any such child to wear the appropriate belt. Exemptions are provided in respect of children who hold a doctor's certificate stating that they are unable, for medical reasons, to wear a belt, who are unable to wear a belt because of physical characteristics or who are engaged in work which requires them to enter and leave the vehicle frequently.

There is provision for the Lieutenant Governor in Council to make regulations requiring the use of child restraint systems and prescribing specifications therefor and exempting classes of motor vehicles, drivers or passengers from any of the foregoing provisions.

Section 147 (2) of the Act is amended to exempt owners of motor vehicles from liability in respect of the wearing of seat belts where they are not driving the vehicles.

Section 147 (2) at present reads as follows:

- (2) *The owner of a motor vehicle or a motor assisted bicycle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway.*

The 1975 amendment striking out "or a motor assisted bicycle" in the first and second lines has not been proclaimed.

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 63a,  
enacted

63a.—(1) In this section, “seat belt assembly” means a Definition  
device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness. Seat belt  
assembly  
R.S.C. 1970,  
c. 26,  
(1st Supp.)

(3) Subject to subsection 5, every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of  
seat belt  
assembly  
by driver

(4) Subject to subsection 5, every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of seat  
belt assem-  
bly by  
passenger

## Exemption

- (5) Subsections 3 and 4 do not apply to a person,
- (a) driving a motor vehicle in reverse;
  - (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; or
  - (d) under the age of sixteen years.

Driver to ensure passenger uses seat belt assembly

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

## Exception

- (7) Subsection 6 does not apply where the passenger,
- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 25 miles per hour; or

(c) is occupying and properly secured in child seating and restraint systems prescribed under the regulations.

(8) The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

(a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;

(b) providing for the exemption from any of the provisions of this section of,

(i) any type or class of motor vehicles,

(ii) any class of drivers or passengers in motor vehicles.

2. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34 and 1975, chapter 78, section 11, is repealed and the following substituted therefor: <sup>s. 147 (2). re-enacted</sup>

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of subsection 3 or 6 of section 63a or of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or under subsection 8 of section 63a or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. <sup>Owner when not driver not liable for penalties</sup>

3. This Act comes into force on the 1st day of January, 1976. <sup>Commencement</sup>

4. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>







An Act to amend  
The Highway Traffic Act

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*1st Reading*

November 18th, 1975

*2nd Reading*

December 2nd, 1975

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 27**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Highway Traffic Act**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 63a,  
enacted

63a.—(1) In this section, “seat belt assembly” means a Definition  
device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness. Seat belt  
assembly  
R.S.C. 1970,  
c. 26,  
(1st Supp.)

(3) Subject to subsection 5, every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of  
seat belt  
assembly  
by driver

(4) Subject to subsection 5, every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of seat  
belt assem-  
bly by  
passenger

## Exemption

- (5) Subsections 3 and 4 do not apply to a person,
- (a) driving a motor vehicle in reverse;
  - (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; or
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Driver to ensure passenger uses seat belt assembly

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

## Exception

- (7) Subsection 6 does not apply where the passenger,
- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
    - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
    - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;
  - (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 25 miles per hour; or

(c) is occupying and properly secured in child seating and restraint systems prescribed under the regulations.

(8) The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

(a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;

(b) providing for the exemption from any of the provisions of this section of,

(i) any type or class of motor vehicles,

(ii) any class of drivers or passengers in motor vehicles.

2. Subsection 2 of section 147 of the said Act, as amended <sup>s. 147 (2), re-enacted</sup> by the Statutes of Ontario, 1974, chapter 123, section 34 and 1975, chapter 78, section 11, is repealed and the following substituted therefor:

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of subsection 3 or 6 of section 63a or of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or under subsection 8 of section 63a or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. <sup>Owner when not driver not liable for penalties</sup>

3. This Act comes into force on the 1st day of January, 1976. <sup>Commencement</sup>

4. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>







An Act to amend  
The Highway Traffic Act

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*1st Reading*

November 18th, 1975

*2nd Reading*

December 2nd, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to provide for Freedom of Information**

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MR. MACDONALD

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EXPLANATORY NOTE

The purpose of the Bill is to provide the public access to Government documents without cost.

BILL 28

1975

## An Act to provide for Freedom of Information

**W**HEREAS it is in the public interest of the Province <sup>Preamble</sup> of Ontario, subject to the limitations set out herein, that all persons have access to all official documents;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "document" means any document including any opinion, record, proceeding, map, drawing or picture, regardless of form or characteristic;
- (b) "official document" means a document kept by a Ministry of the Government of Ontario or a board, agency or Commission of the Government of Ontario whether received or prepared by such Ministry, board, agency or Commission and includes any document which is prepared as a result of the spending of public moneys.

**2.** Subject to section 3, a Ministry or a board, agency or Commission of the Government of Ontario shall upon request <sup>Access to  
official  
document</sup> and without cost make available as soon as possible any identifiable official document to any person who wants to examine or copy it.

**3.** The following documents are exempt from the provi- <sup>Exceptions</sup> sions of section 2:

- 1. Legal opinions or advice provided for the use of the Government of Ontario.
- 2. Documents, the release of which would be detrimental to the security of Ontario or Canada.

3. Documents dealing with international relations, the release of which might be detrimental to the future conduct of Ontario's or Canada's foreign relations.
4. Documents, the release of which might be detrimental to the future conduct of federal-provincial relations or the relations of the provinces with one another.
5. Documents, the release of which would result in direct personal financial gain or loss by a person or a group of persons.
6. Documents reflecting on the personal competence or character of an individual.
7. Documents, the release of which would be personally embarrassing to Her Majesty or the Royal Family or official representatives of Her Majesty.
8. Documents relating to negotiations leading up to a contract until the contract has been executed or the negotiations have been concluded.
9. Documents relating to policy decisions under consideration but not yet finalized.
10. Documents that are excluded from disclosure by statute.
11. Executive Council documents.
12. Any proceedings before a court of justice or a judicial inquiry.
13. Any matter which may be exempted by the Regulations.

Release of  
documents by  
Lieutenant  
Governor in  
Council

4. Notwithstanding section 3, the Lieutenant Governor in Council may order the release of a document which is exempt where the release of the document is in the public interest.

Application  
to  
Ombudsman

5. Where a person has requested an official document that is not exempt under section 3 and that document is not produced, the person may apply to the Ombudsman for a review and public report on the validity of the reasons given for refusing access to the document.

**6.** The Lieutenant Governor in Council may make regula-<sup>Regulations</sup>tions exempting any document or class of document from the application of this Act.

**7.** This Act comes into force on the day it receives Royal<sup>Commence-</sup>Assent.<sup>ment</sup>

**8.** This Act may be cited as *The Freedom of Information* <sup>Short title</sup>*Act, 1975 (2nd Session)*.







An Act to provide for  
Freedom of Information

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*1st Reading*

November 18th, 1975

*2nd Reading*

*3rd Reading*

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MR. MACDONALD

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Mental Health Act**

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MR. ROY

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EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

BILL 29

1975

## An Act to amend The Mental Health Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act*, being <sup>s.14(1),</sup> chapter 269 of the Revised Statutes of Ontario, 1970, is amended <sup>amended</sup> by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:
  - (1) Where a judge has reason to believe that a person <sup>Judge's</sup> who appears before him charged with or convicted of an <sup>order for</sup> offence suffers from mental disorder, the judge may order <sup>examination</sup> the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>  
<sup>ment</sup>
3. This Act may be cited as *The Mental Health Amendment Act*, <sup>Short title</sup>  
*1975 (2nd Session)*.

An Act to amend  
The Mental Health Act

---

*1st Reading*

November 18th, 1975

*2nd Reading*

*3rd Reading*

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MR. ROY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Family Benefits Act**

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MR. MARTEL

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#### EXPLANATORY NOTE

The purpose of the amendment is to remove any reference to the sex of the parent, thereby enabling either the mother or father of the child to be eligible for benefits.



## An Act to amend The Family Benefits Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 1 of section 7 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (1) (d),  
re-enacted

(*d*) who is a single parent with a dependent child and,

- (i) who is a widow or widower, or
- (ii) whose spouse has deserted the family for three months or more, or
- (iii) whose spouse is a patient in a sanatorium, hospital or similar institution, or
- (iv) whose spouse is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or
- (v) who is divorced from the parent of the dependent child and has not remarried, or
- (vi) a mother, whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or

- (2) Clause *e* of subsection 1 of the said section 7, as re-enacted by the Statutes of Ontario, 1971, chapter 92, section 4, is repealed. s. 7 (1) (e),  
repealed

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Family Benefits Amendment Act, 1975 (2nd Session)*.







An Act to amend  
The Family Benefits Act

---

*1st Reading*

November 20th, 1975

*2nd Reading*

*3rd Reading*

---

MR. MARTEL

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Health Insurance Act, 1972**

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MR. ROY

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#### EXPLANATORY NOTE

The purpose of the Bill is to prevent physicians and practitioners who bill patients directly from charging persons over sixty-five years of age or persons receiving public assistance amounts greater than that paid for insured services under the Act.



**An Act to amend  
The Health Insurance Act, 1972**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Insurance Act, 1972*, being chapter 91, is amended <sup>s. 20b, enacted</sup> by adding thereto the following section:

20b. Where a physician or a practitioner submits his <sup>Billing the patient</sup> accounts directly to his patient, he may charge an amount greater than that which is payable for insured services under this Act, except where the patient is over sixty-five years of age or is in receipt of public assistance.

2. Subsection 1 of section 51 of the said Act, as amended <sup>s. 51(1), amended</sup> by the Statutes of Ontario, 1974, chapter 60, section 12 and 1975, chapter 52, section 9 is further amended by adding thereto the following clause:

(sa) prescribing the persons who shall be deemed to be receiving public assistance for the purposes of section 20b.

3. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>
4. This Act may be cited as *The Health Insurance Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Health Insurance Act, 1972

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*1st Reading*

November 21st, 1975

*2nd Reading*

*3rd Reading*

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MR. ROY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Highway Traffic Act**

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MR. YOUNG

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EXPLANATORY NOTE

The purpose of the Bill is to provide a system for inspecting motor vehicles for mechanical safety and for enforcing safety standards.

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 49a,  
enacted

49a.—(1) No person shall operate a motor vehicle, other than a public vehicle or public commercial vehicle, on the highway unless, within the preceding six-month period, it has been inspected by an inspector and certified by him as being free from any mechanical, structural or other defect that would render the vehicle unsafe for use on the highway. Safety  
inspections

(2) The Lieutenant Governor in Council may appoint mechanics holding subsisting certificates of qualification under *The Apprenticeship and Tradesmen's Qualification Act*, as inspectors for the purposes of this section. Inspectors  
R.S.O. 1970,  
c. 24

(3) The certificate of an inspector under subsection 1 shall be endorsed on the permit for the vehicle. Certifi-  
cates

(4) A permit shall not be issued in respect of a motor vehicle for which a permit has been previously issued unless a certificate has been given under this section within six months before the new permit is issued. Renewal of  
permits

(5) Every person who operates a motor vehicle on the highway in contravention of subsection 1 and every owner of a motor vehicle who permits the vehicle to be so operated is guilty of an offence and is liable to a fine of not more than \$500. Offence

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. Short title

An Act to amend  
The Highway Traffic Act

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*1st Reading*

November 24th, 1975

*2nd Reading*

*3rd Reading*

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MR. YOUNG

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act for the Promotion and  
Protection of the Health and Safety  
of Persons engaged in Occupations**

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MR. MARTEL

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#### EXPLANATORY NOTE

The purpose of the Bill is to consolidate matters dealing with the health and safety of workers and place them under the jurisdiction of the Ministry of Labour.

The Bill also establishes a department, to be part of the Ministry of Labour, which is responsible for research and the setting and enforcing of standards to protect workers.



**An Act for the Promotion and  
Protection of the Health and Safety  
of Persons engaged in Occupations**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "chief occupational medical officer" means the person appointed as the chief occupational medical officer pursuant to section 7;
- (b) "council" means the Occupational Health Council appointed under section 8;
- (c) "department" means the occupational health and safety department established pursuant to section 2;
- (d) "International Standard Classification of Occupations" means the booklet as published and revised from time to time by the International Labour Organization and entitled "International Standard Classification of Occupations";
- (e) "Minister" means the Minister of Labour;
- (f) "Ministry" means the Ministry of Labour;
- (g) "occupation" means employment, business, calling or pursuit but does not include an endeavour not constituting one of the classes of occupations in the International Standard Classification of Occupations;
- (h) "occupational health" means,
  - (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers,

- (ii) the prevention among workers of ill health caused by their working conditions,
  - (iii) the protection of workers in their employment from risks resulting from factors adverse to health,
  - (iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition;
- (i) "occupational health officer" means a person designated as an occupational health officer under section 5;
  - (j) "occupational health service" means a service organized in or near a place of employment for the purposes of,
    - (i) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on,
    - (ii) ensuring the workers' physical and mental adjustment in their employment and ensuring their assignment to jobs for which they are suited, and
    - (iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers;
  - (k) "occupational rehabilitation" means measures that assist workers to return to work following injury or disease however caused and that assist persons suffering from the disabling effects of injury, disease or congenital deformity in obtaining or retaining employment;
  - (l) "place of employment" means any building, workshop, structure, mine or other premises in which one or more workers usually work;
  - (m) "worker" means a person who is engaged in an occupation;
  - (n) "working place" means a location other than a place of employment where one or more workers are engaged in work.

**2.** For the purpose of providing for the administration of this Act, the Minister shall establish a department within the Ministry to be known as the occupational health and safety department. Department established

**3.** The department shall, Duties of department

- (a) be concerned with occupational health generally and the maintenance of reasonable standards for the protection of the health and safety of workers in Ontario;
- (b) be responsible for the day to day administration of this Act and the regulations;
- (c) prepare and maintain morbidity and accident statistics relating to workers and do so either alone or in conjunction with the Workmen's Compensation Board and the Ministry of Health; and
- (d) do such other things in connection with occupational health as the Minister may direct.

**4.** The department may, Powers of department

- (a) provide assistance to persons concerned with occupational health and provide services to assist persons in charge of the operation of places of employment and working places in maintaining reasonable standards for the protection of the health and safety of workers;
- (b) promote or conduct studies and research projects in connection with problems relating to the health and safety of workers; and
- (c) encourage or conduct educational programs for promoting the health and safety of workers.

**5.** The Minister may designate as occupational health officers any of the persons employed in the department. Designation of occupational health officers

**6.—(1)** For the purpose of the administration of this Act, an occupational health officer may, Powers of occupational health officer

- (a) enter and inspect a place of employment and a working place and every part thereof at all reasonable times both day and night without prior notification when he has reasonable grounds to believe that a worker is employed therein or

thereat, and test, take such samples and make such examinations as he considers necessary or advisable;

- (b) require the production of the records, documents and reports kept pursuant to this Act, and inspect, examine and make a copy of any of them;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with;
- (d) require any person whom he finds in or at a place of employment or working place to give such information as it is in his power to give as to who is the person in charge of the operation of the place of employment or working place;
- (e) take with him to a place of employment or working place, one or more persons to assist him, and may make arrangements with the person in charge of the operation of a place of employment or working place for an assistant to enter the place of employment or the working place and conduct tests or take samples;
- (f) do such other things as may be authorized by the Minister.

Idem

(2) The person in charge of the operation of a place of employment or working place and his agents and servants shall furnish such means required by an occupational health officer as are necessary for an entry, inspection, examination, inquiry, the making of tests and the taking of samples or otherwise for the exercise of his powers under this Act in relation to that place of employment or working place.

Appoint-  
ment of  
medical  
practitioner  
as chief  
occupa-  
tional  
medical  
officer

7. The Minister shall appoint as chief occupational medical officer for the purposes of this Act a person who is a legally qualified medical practitioner and who has training and experience in occupational health.

Appoint-  
ment of  
Occupational  
Health  
Council

8.—(1) Subject to subsection 2, the Lieutenant Governor in Council may appoint a council to be known as the Occupational Health Council consisting of not less than nine or more than twelve persons whose particular knowledge and experience would be of assistance in the giving of advice concerning the protection and promotion of the health and safety of persons at work and with respect to occupational health generally.

(2) The membership of the council shall include persons who represent agriculture and management and labour respectively in the field of industry. Membership

(3) One of the members of the council shall be designated as chairman by the Lieutenant Governor in Council. Chairman

(4) The member designated as chairman shall hold office at the pleasure of the Lieutenant Governor in Council. Term of office

(5) The members of the council other than the chairman shall be appointed for terms of office of such duration so that at any given time there will likely be some members who will have been in office for a sufficient period to have gained experience as council members. Idem

(6) Each member of the council shall hold office until his successor is appointed and may be reappointed from time to time. Idem

(7) The council shall meet at the call of the Minister or the chairman but in any case at least once a year. Time of meetings

**9.** The council may make recommendations to the Minister, Duties and powers of council

- (a) concerning occupational health generally and the protection of the health and safety of workers in specific kinds of situations;
- (b) concerning the appointment of other committees by the Minister to assist in the administration of this Act;
- (c) concerning any other matter referred to it by the Minister for recommendation.

**10.** The Minister may, on the recommendation of the council, appoint such other committees and assign to them such duties as he deems advisable. Appointment of other committees

**11.** The Minister may, Certain powers of Minister

- (a) appoint consultants and professional and technical personnel including legally qualified medical practitioners;
- (b) conduct seminars and courses of training and take other measures for improving the qualifications of persons directly concerned with occupational health

or being employed or intending to become employed in an occupational health service;

- (c) provide such facilities and services in the field of occupational rehabilitation as he deems advisable.

Power to  
require  
medical  
supervision

**12.—(1)** Where it appears to the Minister upon the advice of the chief occupational medical officer,

- (a) that in any place of employment or in any class of place of employment or in any occupation,
- (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work,
  - (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process, or
  - (iii) a serious environmental hazard has been created of such a degree that an adverse effect upon the health of the persons exposed to such hazard could have resulted; or
- (b) that there may be risk of injury to the health of persons employed in a place of employment,
- (i) from any substance or material brought to the place of employment to be used or handled therein, or
  - (ii) from any change in the conditions of work or other conditions in the place of employment,

he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require such reasonable arrangements to be made for the medical supervision of the persons, or any class of the persons, employed at that place of employment or class of place of employment or the persons engaged in such occupation, as the case may be, as he considers advisable.

Interpre-  
tation

(2) In this section, "medical supervision" includes both complete and partial medical examinations and the making of such examinations at stated intervals.

**13.**—(1) Where the Minister is of the opinion that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour at a place of employment or a working place is of such a nature as to cause risk of bodily injury or ill health to the persons employed thereat or any class of those persons, he may by order require the person in charge of the operation of the place of employment or working place, as the case may be, to do such things for the protection of those persons as appear to him to be reasonably practicable and to meet the necessity of the case.

Order for protective measures where risk of injury

(2) An order made by the Minister under subsection 1 may,

Order of Minister

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
- (b) prohibit, limit or control the use of any material, process or equipment; or
- (c) impose duties on employees as well as on the persons in charge of the operation of places of employment and working places.

**14.**—(1) Any person aggrieved by an order of the Minister made under section 13 may appeal against the order to a judge of a county or district court at any time within sixty days after the date of the order.

Appeal of certain orders to judge of county or district court

(2) An appeal under subsection 1 shall be by notice of motion, which shall be served on the Minister and on such other persons as the judge may direct.

Appeal by notice of motion

(3) Upon an appeal, the judge may dispose of the matter in a summary way or direct an issue to be tried in court.

Disposition of judge

**15.** Any person who was a party to an appeal under section 14 and who is aggrieved by a decision of the court or judge made on the appeal may, within thirty days after the date of the decision, appeal against the decision to the Supreme Court in accordance with the rules of court.

Appeal to Supreme Court

**16.** The taking of an appeal under section 14 or 15 does not stay the operation of the order in respect of which the appeal is taken.

Appeal does not stay order

Reports to be furnished by medical practitioner, hospital, etc.

**17.—**(1) Every legally qualified medical practitioner or other qualified person attending or consulted respecting a person who became ill or injured,

(a) while employed at a place of employment or a working place; or

(b) while being otherwise engaged in an occupation,

shall furnish without charge to the chief occupational medical officer upon request of the officer such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Reports

(2) Where an ill or injured person of the kind mentioned in subsection 1 is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall furnish without charge to the chief occupational medical officer upon request such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Medical examination required in certain cases

**18.** Where the Minister is of the opinion that a person employed at a place of employment or working place has become or may become ill as a consequence of being exposed to any substance, process or environmental condition, he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require that person to undergo a medical examination and require the legally qualified medical practitioner conducting the examination to furnish the chief occupational medical officer with such reports respecting the examination as the chief occupational medical officer may require.

Occupational health committee in certain places of employment

**19.—**(1) In every place of employment at which ten or more persons are employed, the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee.

Members of committee

(2) The committee shall consist of not less than two or more than twelve persons of whom at least half shall be persons representing employees other than employees connected with the management of the place of employment, and either elected by the employees they represent or appointed in accordance with the constitution of the labour union of which the employees are members.



(3) The committee shall have a continuing concern with respect to the health and safety of the persons employed in the place of employment. Duty of committee

(4) The person in charge of the operation of the place of employment shall cause the names of the committee to be posted in a conspicuous place. Posting

(5) The duties of the committee include, Duties of committee

- (a) the receipt, consideration and disposition of complaints respecting the health and safety of the employees;
- (b) participation in the identification and control of health and safety hazards within the place of employment;
- (c) co-operation with the occupational health service if such a service has been established within the place of employment;
- (d) the establishment and promotion of health and safety programs for the education and information of the employees; and
- (e) the maintenance of records in connection with the receipt and disposition of complaints and the attendance to other matters relating to the duties of the committee.

**20.**—(1) The Minister may designate a place of employment or a class of a place of employment as requiring an occupational health service, having regard to the type of industry being carried on therein, the number of persons employed thereat and the degree of hazard thereof. Where occupational health service required

(2) Where a place of employment has been designated or is a member of a class of a place of employment designated under subsection 1, the person in charge of the operation of the place of employment shall cause an occupational health service to be established and maintained for the place of employment in accordance with this section. Occupational health service to be established

(3) The Minister may specify the services that are to be provided by the occupational health service for any place of employment or for a place of employment that is a member of a class of a place of employment designated under subsection 1. Services to be provided

Approval  
of Minister

(4) The establishment and continued operation of an occupational health service shall be subject to the approval of the Minister.

Regulations

**21.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards to be established and maintained by the persons in charge of places of employment or working places for the protection of the health and safety of the persons employed thereat;
- (b) classifying places of employment;
- (c) defining certain processes, substances and working places as being hazardous and prescribing measures to be taken for the protection of the health and safety of persons exposed thereto;
- (d) prescribing the measures to be taken by the person in charge of the operation of every place of employment that is a member of a class of place of employment specified in the regulations for the purpose of this clause for the protection of the health and safety of the persons employed thereat;
- (e) specifying those diseases and conditions contracted or received by a worker or concerning which the chief occupational medical officer is required to be notified and prescribing the manner of notification and the records to be maintained in connection with any specified disease or condition;
- (f) requiring plans of any new plant or extension of an existing plant, including the details of the processes and materials to be used, to be furnished to the department in connection with such classes of places of employment as may be specified in the regulations for the purpose of this clause;
- (g) prescribing conditions of employment, and requiring medical examinations at regular intervals, for those classes of workers specified in the regulations for the purpose of this clause who by reason of age, sex or pregnancy are or may be specially subject to risk of injury or ill health caused by the hazards of the working environment.

**22.** This Act applies to,

Application  
to Crown

- (a) the Crown in right of Ontario and every Ministry, board, commission and other agency of the Crown and any Crown Corporation; and
- (b) the Crown in right of Canada in so far as the Crown in right of Canada may submit to the operation of this Act.

**23.**—(1) A person who contravenes any of the provisions of this Act or the regulations or who fails to comply with an order made by the Minister under this Act is guilty of an offence and liable on summary conviction to the fines provided by this section. Offences

(2) Where an offence is committed by an individual, the individual is liable, Penalties

- (a) for a first offence, to a fine of not less than \$10 or more than \$100 and, in the case of a continuing offence to a further fine not exceeding \$25 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$100 or more than \$500 and, in the case of a continuing offence to a further fine not exceeding \$50 for each day during which the offence continues.

(3) Where an offence is committed by a corporation, the corporation is liable, Idem

- (a) for a first offence, to a fine of not less than \$100 or more than \$1,000 and, in the case of a continuing offence to a further fine not exceeding \$250 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$1,000 or more than \$5,000 and, in the case of a continuing offence to a further fine not exceeding \$500 for each day during which the offence continues.

(4) Where default is made in payment of any fine, costs or sum ordered to be paid no imprisonment in default of the payment shall be ordered. No imprisonment

(5) The convicting provincial judge or justice of the peace shall upon request of the Minister supply the Minister with Copy of conviction to Minister

two certified copies of any conviction made by him under or pursuant to this Act.

Judgment

(6) The Minister or his solicitor or agent may, upon payment of the prescribed fee, file a certified copy of a conviction under this Act in the office of the local clerk of the county or district court, and when so filed the copy of the conviction shall, for the purpose of recovering the fine, costs or sum ordered to be paid, be entered as a judgment of the county or district court and may be enforced as a judgment of that court.

Commence-  
ment

**24.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**25.** This Act may be cited as *The Occupational Health Act, 1975 (2nd Session)*.



An Act for the Promotion  
and Protection of the Health  
and Safety of Persons engaged  
in Occupations

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*1st Reading*

November 24th, 1975

*2nd Reading*

*3rd Reading*

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MR. MARTEL

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Motorized Snow Vehicles Act, 1974**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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#### EXPLANATORY NOTES

SECTION 1. The definition of "serviced roadway" is being amended to the effect that it includes the travelled part of the highway and the ploughed portion of the shoulder rather than all of the shoulder. Clause *k* of section 1 of the Act presently reads as follows:

- (*k*) "*serviced roadway*" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "*serviced roadway*" refers to any one serviced roadway separately and not to all of the serviced roadways collectively.

SECTION 2 creates the offence of careless driving of a motorized snow vehicle.



BILL 34

1975

**An Act to amend  
The Motorized Snow Vehicles Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Motorized Snow Vehicles Act, 1974*, being chapter 113, is amended by inserting after "includes" in the third line "the ploughed portion of". s. 1 (k),  
amended
  
2. The said Act is amended by adding thereto the following s. 13a,  
enacted section:
 

13a. Every person is guilty of the offence of driving Careless  
driving carelessly who drives a motorized snow vehicle without due care and attention or without reasonable consideration for other persons.
  
3. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
  
4. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1975 (2nd Session)*. Short title

An Act to amend  
The Motorized Snow Vehicles Act, 1974

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*1st Reading*

November 27th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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*(Government Bill)*

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**BILL 34**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Motorized Snow Vehicles Act, 1974**

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THE HON. J. W. SNOW  
Minister of Transportation and Communications

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13 66

**An Act to amend  
The Motorized Snow Vehicles Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Motorized Snow Vehicles Act, 1974*, being chapter 113, is amended by inserting after "includes" in the third line "the ploughed portion of". s. 1 (k),  
amended
2. The said Act is amended by adding thereto the following s. 13a,  
enacted section:
 

13a. Every person is guilty of the offence of driving Careless  
driving carelessly who drives a motorized snow vehicle without due care and attention or without reasonable consideration for other persons.
3. This Act comes into force on the day it receives Royal Commence-  
ment Assent.
4. This Act may be cited as *The Motorized Snow Vehicles Short title Amendment Act, 1975 (2nd Session)*.

An Act to amend  
The Motorized Snow Vehicles Act, 1974

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*1st Reading*

November 27th, 1975

*2nd Reading*

December 2nd, 1975

*3rd Reading*

December 2nd, 1975

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to establish  
The Automobile Insurance Rate Control Board**

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MR. SWART

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#### EXPLANATORY NOTE

The purpose of the Bill is to freeze automobile insurance rates effective the 15th day of November, 1975.

The Bill also establishes an automobile insurance rate control board which would have the power to approve and fix rates and to conduct public hearings dealing with rate increases.



## An Act to establish The Automobile Insurance Rate Control Board

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Board" means The Automobile Insurance Rate Control Board;

(b) "Minister" means the Minister of Consumer and Commercial Relations.

2.—(1) Notwithstanding the terms of any insurance agreement to the contrary, no insurance company shall increase the rates applicable to an automobile insurance policy on or after the 15th day of November, 1975 to an amount greater than the rate that would be payable on that policy on the 14th day of November, 1975.

Rates  
fixed as of  
November  
15, 1975

(2) Where an insurance company has increased the rates payable on a policy contrary to subsection 1 and such increase has been paid, the insurance company shall refund the amount paid to the person who paid the increase.

Recovery  
of excess  
increase  
paid

3.—(1) A board to be known as "The Automobile Insurance Rate Control Board" is hereby established.

Board  
estab-  
lished

(2) The Board shall be composed of not fewer than seven and not more than nine members appointed by the Lieutenant Governor in Council from among representatives of labour, consumer and other citizens' groups.

Composi-  
tion

4. The Lieutenant Governor in Council may designate one of the members to be chairman of the Board.

Chairman

5. Five members of the Board constitute a quorum.

Quorum

- Vacancies**      **6.** The Lieutenant Governor in Council may fill any vacancy among the members of the Board.
- Procedure 1971, c. 47**      **7.** Subject to the provisions of *The Statutory Powers Procedure Act, 1971*, the Board may determine its own procedure for the conduct of hearings.
- Objects and powers**      **8.** The objects of the Board are and it has power, notwithstanding section 2,
- (a) to fix rates applicable to automobile insurance generally and specifically between classifications;
  - (b) to approve automobile insurance rate increases; and
  - (c) to conduct public hearings with respect to applications by insurance companies for rate increases.
- Decision final**      **9.** A decision of the Board under section 8 is final and not subject to appeal.
- Annual report**      **10.** The Board shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- Commencement**      **11.** This Act comes into force on the day it receives Royal Assent.
- Short title**      **12.** This Act may be cited as *The Automobile Insurance Rate Control Act, 1975 (2nd Session)*.







An Act to establish  
The Automobile Insurance Rate  
Control Board

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*1st Reading*

November 27th, 1975

*2nd Reading*

*3rd Reading*

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MR. SWART

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Labour Relations Act**

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MR. HAGGERTY

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#### EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism whereby the Minister can order parties to a strike or lock-out to end the strike or lock-out for a period of sixty days during which time the parties try to reach a settlement.



## An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: <sup>s. 47a, enacted</sup>

47a.—(1) Notwithstanding any other provisions of this Act or any provision of a collective agreement, the Minister may, where a strike or lock-out, <sup>Enjoining of strike or lock-out</sup>

- (a) affects an entire industry, trade or vocation or a substantial part thereof engaged in trade, commerce, transportation, transmission or communication or engaged in the production of goods for commerce; or
- (b) imperils the provincial health, safety or welfare,

order the parties to the strike or lock-out to enjoin such strike or lock-out for a period of sixty days from the date of the order.

(2) Where an order has been issued under subsection 1, the Minister shall appoint a conciliation officer to confer with the parties and endeavour to effect a collective agreement. <sup>Conciliation officer</sup>

(3) Section 17 applies *mutatis mutandis* to a conciliation officer appointed under subsection 2. <sup>Application</sup>

(4) Notwithstanding subsection 1 or the provisions of any other Act, where a report is given under subsection 3 of section 17 or subsection 5 of section 31 and the report indicates that the parties are unable to effect a <sup>Strike or lock-out may continue</sup>

collective agreement, the parties may continue to strike or lock-out, as the case may be, without the taking of a new strike vote.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Labour Relations Amendment Act, 1975 (2nd Session)*.







An Act to amend  
The Labour Relations Act

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*1st Reading*

November 27th, 1975

*2nd Reading*

*3rd Reading*

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MR. HAGGERTY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Income Tax Act**

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THE HON. A. K. MEEN  
Minister of Revenue

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#### EXPLANATORY NOTE

This amendment provides for the continuation in 1976 of the rate of Ontario income tax that has been in effect since the 1972 taxation year. The rate is 30.5 per cent of the federal tax computed under the *Income Tax Act* (Canada). The repealed clause is identical with the proposed new clause, except that, in the proposed amendment, the year 1976 is added to the four preceding years specifically referred to.



BILL 37

1975

## An Act to amend The Income Tax Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*,<sup>s. 3 (3) (h), re-enacted</sup> being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 91, section 1, is repealed and the following substituted therefor:
 

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years.
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-ment</sup>
3. This Act may be cited as *The Income Tax Amendment Act, 1975 (2nd Session)*.<sup>Short title</sup>

An Act to amend  
The Income Tax Act

---

*1st Reading*

November 28th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. A. K. MEEN  
Minister of Revenue

---

*(Government Bill)*

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**BILL 37**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Income Tax Act**

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THE HON. A. K. MEEN  
Minister of Revenue

---



BILL 37

1975

## An Act to amend The Income Tax Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*,<sup>s. 3 (3) (h),  
re-enacted</sup> being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 91, section 1, is repealed and the following substituted therefor:
 

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years.
2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-  
ment</sup>
3. This Act may be cited as *The Income Tax Amendment Act, 1975 (2nd Session)*.<sup>Short title</sup>

An Act to amend  
The Income Tax Act

---

*1st Reading*

November 28th, 1975

*2nd Reading*

December 9th, 1975

*3rd Reading*

December 9th, 1975

---

THE HON. A. K. MEEN  
Minister of Revenue

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---

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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---

**An Act to amend The Public Health Act**

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**MR. LELUK**

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#### EXPLANATORY NOTE

The purpose of this Bill is to ensure that patent medicines in liquid, tablet or capsule form and household chemicals in liquid or solid form that are for sale in Ontario will be packaged in child-resistant packages.



## An Act to amend The Public Health Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

58a.—(1) Where a medicine registered under the *Proprietary or Patent Medicine Act* (Canada) is packaged for sale in Ontario in liquid, tablet or capsule form, the medicine shall be packaged in a child-resistant package that is designated and certified as a child-resistant package by the Canadian Standards Association.

Child-resistant packages for patent medicines R.S.C. 1970, c. P-25

(2) Where a household chemical as prescribed by the regulations is packaged for sale in Ontario in liquid or solid form, the chemical shall be packaged in a child-resistant package that is designated and certified as a child-resistant package by the Canadian Standards Association.

Child-resistant package for household chemicals

(3) The Lieutenant Governor in Council may make regulations designating a product a household chemical for the purpose of subsection 2.

Regulations

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Public Health Amendment Act, 1975 (2nd Session)*.

Commencement

Short title

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An Act to amend  
The Public Health Act

---

*1st Reading*

December 1st, 1975

*2nd Reading*

*3rd Reading*

---

MR. LEIUK

---

*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Liquor Licence Act, 1975**

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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EXPLANATORY NOTE

The amendment is to the definition of Ontario wine and would permit the use of grain alcohol from Ontario sources in the fortification of Ontario wines.

BILL 39

1975

**An Act to amend  
The Liquor Licence Act, 1975**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause j of section 1 of *The Liquor Licence Act, 1975*, being chapter 40, is repealed and the following substituted therefor:
  - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine or of cereal grains grown in Ontario, or

. . . . .
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
3. This Act may be cited as *The Liquor Licence Amendment Act, 1975 (2nd Session)*. Short title

An Act to amend  
The Liquor Licence Act, 1975

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*1st Reading*

December 2nd, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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**BILL 39**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Liquor Licence Act, 1975**

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

---





BILL 39

1975

**An Act to amend  
The Liquor Licence Act, 1975**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause j of section 1 of *The Liquor Licence Act*, <sup>s. 1(j) (i), re-enacted</sup> 1975, being chapter 40, is repealed and the following substituted therefor:
  - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine or of cereal grains grown in Ontario, or

. . . . .
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
3. This Act may be cited as *The Liquor Licence Amendment Act*, Short title 1975 (2nd Session).

An Act to amend  
The Liquor Licence Act, 1975

---

*1st Reading*

December 2nd, 1975

*2nd Reading*

December 9th, 1975

*3rd Reading*

December 9th, 1975

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

---

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

---

MR. GROSSMAN

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#### EXPLANATORY NOTE

This Bill transfers the ownership of that portion of the Toronto Islands known as Algonquin Island and Ward Island from the Metropolitan Corporation to the City of Toronto while setting out the complementary liabilities and uses of the Corporation and City in relation thereto.

**An Act to amend  
The Municipality of Metropolitan Toronto Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 210 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 210,  
re-enacted

210.—(1) For the purposes of section 204, all land comprising Toronto Islands owned by the City of Toronto, except Algonquin Island and Ward Island, and all rights of the City of Toronto to use and occupy land comprising Toronto Islands owned by The Toronto Harbour Commissioners, except Algonquin Island, Ward Island and such portions of all such lands as are set aside and used or required for the purposes of the Toronto Island Airport, are vested in the Metropolitan Corporation as of the 1st day of January, 1956, subject to the provisions of then existing leases, and, subject to subsection 3, no compensation or damages shall be payable to the City of Toronto. Lands on  
Toronto  
Islands  
transferred  
to Metro-  
politan  
Corpor-  
ation

(2) That portion of the Toronto Islands known as Algonquin Island and Ward Island vested in the Metropolitan Corporation as of the 1st day of January, 1956, is vested in the City of Toronto on the day this Act receives Royal Assent, subject to the provisions of then existing leases, and, subject to subsection 4, no compensation or damages shall be payable to the Metropolitan Corporation. Algonquin  
Island and  
Ward Island  
transferred  
to City of  
Toronto

(3) The Metropolitan Corporation shall pay to the City of Toronto, Metropolitan  
Corporation  
liability

- (a) before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City of Toronto for the purposes of the land and rights vested by subsection 1 in the Metropolitan Corporation;

- (b) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for acquisition of leasehold interests and clearing of sites;
- (c) such amount for personal property, exclusive of leaseholds, transferred to the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto; and
- (d) the amount of the expenses incurred by the City of Toronto after the 1st day of January, 1956, with respect to the operation and maintenance of the land and rights vested by subsection 1 in the Metropolitan Corporation.

City of  
Toronto  
liability

(4) The City of Toronto shall pay to the Metropolitan Corporation,

- (a) such amount for personal property transferred to the City of Toronto for the purposes of the land and rights vested by subsection 2 in the City of Toronto as may be mutually agreed upon between the City of Toronto and the Metropolitan Corporation; and
- (b) the amount of the expenses incurred by the Metropolitan Corporation after the day this Act receives Royal Assent, with respect to the operation and maintenance of the land and rights vested by subsection 2 in the City of Toronto.

Use by  
City of  
Toronto

(5) Where any portion of the land and rights vested by subsection 1 in the Metropolitan Corporation is being used by the City of Toronto for the purpose of providing municipal services other than park and recreational services, the City of Toronto may continue to use such portion rent free so long as it is required to provide such municipal services.

Metropolitan  
Corporation  
liable for  
lighting,  
etc.

(6) The Metropolitan Corporation shall pay to the City of Toronto annually such amount for the lighting, refuse collection and disposal services provided by the City of Toronto in respect of the land and rights vested by subsection 1 in the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto.

Lands not  
used for  
park  
purposes

(7) If any of the land vested by subsection 1 in the Metropolitan Corporation and any land comprising Toronto

Islands, which is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 204, the Metropolitan Corporation shall thereupon transfer such land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof; provided this subsection does not apply to any land so long as it continues to be used as at the 1st day of January, 1956, under any then existing lease or renewal or extension thereof.

(8) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued for the purposes of the land and rights vested by subsection 1 in the Metropolitan Corporation or of failure to agree as to the amount to be paid for the personal property transferred to the Metropolitan Corporation or the City of Toronto or as to the amount to be paid for lighting, refuse collection and disposal services provided by the City of Toronto, the Municipal Board, upon application, may determine the matter, and its decision is final. <sup>Settling of doubts</sup>

(9) Notwithstanding any other provision in this Act, the Metropolitan Corporation shall establish, maintain and operate a ferry service for providing access to the Toronto Islands and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service. <sup>Ferry service</sup>

(10) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may, <sup>Bus system on Toronto Islands</sup>

- (a) maintain and operate buses for the conveyance of passengers;
- (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
- (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975 (2nd Session)*.





An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

December 4th, 1975

*2nd Reading*

*3rd Reading*

---

MR. GROSSMAN

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Planning Act**

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THE HON. J. R. RHODES  
Minister of Housing

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#### EXPLANATORY NOTE

Section 29 of the Act prohibits generally the granting or conveying of land where the grantor retains the ownership of abutting lands unless a consent is given. The device of foreclosing on part only of the lands comprised in a mortgage or charge or of exercising a power of sale in respect of part of the lands affords a method of evading the prohibition.

The amendment will make such partial foreclosures or partial sales of no effect unless the approval of the Minister is obtained.

## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6 and 1974, chapter 53, section 4, is further amended by adding thereto the following subsection:
 

s. 29,  
amended

(5e) No foreclosure or exercise of a power of sale in respect of land described in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land described in such mortgage or charge is subject to the foreclosure or exercise of the power of sale, as the case may be.

Foreclosure  
or  
exercise  
of power  
of sale,  
when  
approval  
of  
Minister  
required

2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. This Act may be cited as *The Planning Amendment Act, 1975 (2nd Session)*.
 

Short title

An Act to amend  
The Planning Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. J. R. RHODES  
Minister of Housing

---

*(Government Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Planning Act**

---

THE HON. J. R. RHODES  
Minister of Housing

---

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

Section 29 of the Act prohibits generally the granting or conveying of land where the grantor retains the ownership of abutting lands unless a consent is given. The device of foreclosing on part only of the lands comprised in a mortgage or charge or of exercising a power of sale in respect of part of the lands affords a method of evading the prohibition.

The amendment will make such partial foreclosures or partial sales of no effect unless the approval of the Minister is obtained.



## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6 and 1974, chapter 53, section 4, is further amended by adding thereto the following subsection:

(5e) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be.

s. 29,  
amended

Foreclosure  
or  
exercise  
of power  
of sale,  
when  
approval  
of  
Minister  
required

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Planning Amendment Act, 1975 (2nd Session)*.

Commence-  
ment

Short title

An Act to amend  
The Planning Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

December 16th, 1975

*3rd Reading*

---

THE HON. J. R. RHODES  
Minister of Housing

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 41**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Planning Act**

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THE HON. J. R. RHODES  
Minister of Housing

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## An Act to amend The Planning Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6 and 1974, chapter 53, section 4, is further amended by adding thereto the following subsection:
 

s. 29,  
amended

(5e) No foreclosure or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be.

Foreclosure  
or  
exercise  
of power  
of sale,  
when  
approval  
of  
Minister  
required
2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. This Act may be cited as *The Planning Amendment Act, 1975 (2nd Session)*.
 

Short title

An Act to amend  
The Planning Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

December 16th, 1975

*3rd Reading*

December 18th, 1975

---

THE HON. J. R. RHODES  
Minister of Housing

---

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Conveyancing and Law of Property Act**

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

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#### EXPLANATORY NOTE

The new provision removes doubts as to the effect on encumbrances where a person who has a home on land leased from O.H.C. acquires the title to the land.



**An Act to amend  
The Conveyancing and Law of Property Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Conveyancing and Law of Property Act*, <sup>s. 37, amended</sup> being chapter 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 

(2) Where a person who has a leasehold estate in land <sup>Merger of O.H.C. leasehold in freehold</sup> under a lease with Ontario Housing Corporation acquires the freehold estate in the land, the leasehold estate merges in the freehold estate and upon the merging the freehold estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

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An Act to amend  
The Conveyancing and Law of  
Property Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

*3rd Reading*

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

---

*(Government Bill)*

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**BILL 42**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend  
The Conveyancing and Law of Property Act**

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and Commercial Relations

---



**An Act to amend  
The Conveyancing and Law of Property Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Conveyancing and Law of Property Act*, <sup>s. 37,</sup> amended being chapter 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 

(2) Where a person who has a leasehold estate in land <sup>Merger</sup> under a lease with Ontario Housing Corporation acquires <sup>of O.H.C.</sup> the freehold estate in the land, the leasehold estate merges <sup>leasehold</sup> in <sup>in</sup> the freehold estate and upon the merging the freehold estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>ment
3. This Act may be cited as *The Conveyancing and Law of* <sup>Short title</sup> *Property Amendment Act, 1975 (2nd Session)*.

An Act to amend  
The Conveyancing and Law of  
Property Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

December 16th, 1975

*3rd Reading*

December 18th, 1975

---

THE HON. S. B. HANDLEMAN  
Minister of Consumer and  
Commercial Relations

---

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Legislative Assembly Act**

---

MR. WILLIAMS

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#### EXPLANATORY NOTE

The amendment would require a person who holds office as a member of a council of a municipality and whose term of office is not yet three-quarters expired to resign his office on official nomination day if he wishes to be elected to the Assembly.



## An Act to amend The Legislative Assembly Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8a of *The Legislative Assembly Act*, s. 8a(2), re-enacted being chapter 240 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 131, section 1, is repealed and the following substituted therefor:

(2) Except where his term of office is more than three-quarters expired, a person who is nominated to run as a candidate for election to the Assembly while holding an office referred to in subsection 1 shall be deemed to have resigned such office on official nomination day.

(2a) Where his term of office is more than three-quarters expired, a person who is elected a member of the Assembly while holding an office referred to in subsection 1 may continue to hold such office, notwithstanding any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 127 of *The Election Act*, at which time he shall be deemed to have resigned such office.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Legislative Assembly Amendment Act, 1975 (2nd Session)*.

An Act to amend  
The Legislative Assembly Act

---

*1st Reading*

December 9th, 1975

*2nd Reading*

*3rd Reading*

---

MR. WILLIAMS

---

*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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---

**An Act to prohibit the Use of Non-Returnable  
Beverage Containers**

---

MR. CUNNINGHAM

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#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit the use of non-returnable beverage containers and to require sellers to refund a minimum of at least five cents on each container returned to them.

BILL 44

1975

## An Act to prohibit the Use of Non-Returnable Beverage Containers

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "non-returnable beverage container" means a container used or designed for use as a container of a fluid beverage that is sold on the condition that it is not redeemable for money or money's worth on its return when emptied of its contents. Interpre-  
tation

**2.** No person shall manufacture, import into Ontario, sell or offer for sale any fluid beverage that is contained in a non-returnable beverage container. Use of  
non-  
returnable  
beverage  
containers  
prohibited

**3.**—(1) Every beverage container containing a fluid beverage that is sold or offered for sale shall be sold or offered for sale on the condition that upon presentation of the beverage container after it has been emptied of its contents by the buyer to the seller, the seller will refund to the buyer an amount not less than five cents. Refund  
value

(2) Subsection 1 applies to transactions between manufacturers, distributors, retailers and consumers or any combination thereof. Application

(3) No seller referred to in subsection 1 shall refuse to accept a beverage container or to pay a refund as prescribed. Seller  
must  
accept  
container  
and pay  
refund

**4.** Every person who contravenes a provision of section 3 is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500. Offence

**5.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**6.** This Act may be cited as *The Non-Returnable Beverage Containers Act, 1975 (2nd Session)*. Short title

An Act to prohibit  
the Use of Non-Returnable  
Beverage Containers

---

*1st Reading*

December 9th, 1975

*2nd Reading*

*3rd Reading*

---

MR. CUNNINGHAM

---

*(Private Member's Bill)*

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**BILL 45**

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act for granting to Her Majesty certain  
sums of money for the Public Service for the  
fiscal year ending the 31st day of March, 1976**

---

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

---





BILL 45

1975

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1976**

MOST GRACIOUS SOVEREIGN:

**W**EREAS it appears by messages from the Honourable Preamble  
Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1976; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$9,946,051,000  
granted for  
fiscal year  
1975-76  
Fund a sum not exceeding in the whole \$9,946,051,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1975, to the 31st day of March, 1976, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception  
March, 1976, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting  
for  
expenditure

**2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Supply Act, 1975* (2nd Session).

## SCHEDULE

Office of the Lieutenant Governor . . . . .	\$ 69,000
Office of the Assembly . . . . .	8,609,500
Office of the Premier . . . . .	1,451,000
Cabinet Office . . . . .	1,591,000
Management Board . . . . .	8,709,000
Office of the Provincial Auditor . . . . .	1,589,000
Government Services . . . . .	294,527,000
Housing . . . . .	482,913,000
Revenue . . . . .	165,182,000
Treasury, Economics and Intergovernmental Affairs . . . . .	459,271,000
Justice Policy . . . . .	469,000
Attorney General . . . . .	95,131,500
Consumer and Commercial Relations . . . . .	41,116,000
Correctional Services . . . . .	116,985,000
Solicitor General . . . . .	116,447,000
Resources Development Policy . . . . .	899,000
Agriculture and Food . . . . .	136,890,000
Energy . . . . .	3,380,000
Environment . . . . .	231,158,000
Industry and Tourism . . . . .	45,950,000
Labour . . . . .	18,742,000
Natural Resources . . . . .	211,270,000
Transportation and Communications . . . . .	953,533,000
Social Development Policy . . . . .	1,295,000
Colleges and Universities . . . . .	1,018,376,000
Community and Social Services . . . . .	855,046,000
Culture and Recreation . . . . .	122,149,000
Education . . . . .	1,639,430,000
Health . . . . .	2,913,873,000
	<hr/>
TOTAL . . . . .	\$9,946,051,000
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An Act for granting to Her Majesty  
certain sums of money for the  
Public Service for the fiscal year  
ending the 31st day of March, 1976

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*1st Reading*

December 9th, 1975

*2nd Reading*

December 9th, 1975

*3rd Reading*

December 9th, 1975

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THE HON. W. D. MCKEUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Public Hospitals Act**

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MR. ROY

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#### EXPLANATORY NOTE

The Bill provides for appeal directly to the Court of Appeal and requires that a decision of the Appeal Board remains in force and effect until the Court renders its decision.



## An Act to amend The Public Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 50 of *The Public Hospitals Act*, <sup>s. 50 (1), re-enacted</sup> being chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is repealed and the following substituted therefor:
  - (1) Any party to proceedings before the Appeal Board <sup>Appeal from decision of Appeal Board</sup> may appeal from its decision to the Court of Appeal in accordance with the rules of Court.
  - (1a) Where any party appeals from a decision of the Appeal Board, the decision of the Appeal Board shall <sup>Decision of Appeal Board to remain in force</sup> remain in force and effect until the decision of the Court is rendered.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>
3. This Act may be cited as *The Public Hospitals Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Public Hospitals Act

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*1st Reading*

December 10th, 1975

*2nd Reading*

*3rd Reading*

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MR. ROY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Public Hospitals Act**

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Mr. Roy

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#### EXPLANATORY NOTE

These amendments to section 50 of the Act restrict the right of appeal from the Hospital Appeal Board to the Supreme Court to questions of law. Previously the right of appeal extended to questions of fact or law or both.

## An Act to amend The Public Hospitals Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 50 of *The Public Hospitals Act*, <sup>s. 50 (1), amended</sup> being chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is amended by inserting after “decision” in the second line “on questions of law”.
- (2) Subsection 3 of the said section 50 is amended by <sup>s. 50 (3), amended</sup> striking out “An appeal under this section may be made on questions of law or fact or both and” in the first and second lines and inserting in lieu thereof “On an appeal under this section”.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
3. This Act may be cited as *The Public Hospitals Amendment Act, 1975 (2nd Session)*. <sup>Short title</sup>

An Act to amend  
The Public Hospitals Act

---

*1st Reading*

December 10th, 1975

*2nd Reading*

*3rd Reading*

---

MR. ROY

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*(Private Member's Bill)*

1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Municipal Act**

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THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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#### EXPLANATORY NOTE

The amendment authorizes municipalities to regulate the hours of operation of those trades and businesses that they are empowered to regulate generally; "shop" is defined in section 355 of the Act as follows:

- (b) *"shop" means a building or part of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops, beauty parlours, shoe repair shops, shoe shine shops and hat cleaning and blocking businesses, but does not include a place where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house.*

and the hours of operation of shops will continue to be governed by the provisions of that section.

Sections 357 and 358 of the Act exclude hotels and service centres on controlled access highways from early closing by-laws; they will retain that exemption.



## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 246 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 246,  
amended

(2a) Subject to sections 357 and 358 and clause *a* of this subsection, the power to regulate a trade, calling, business or occupation or a person carrying on or engaged in a trade, calling, business or occupation and the power to regulate places or things includes the power to regulate the hours of operation of such trade, calling, business, occupation, places or things. Power to regulate trades, etc., includes power to regulate hours of operation

(a) Nothing in this subsection confers the power to regulate the hours of operation of a shop as defined in subsection 1 of section 355. Exception

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Amendment Act, 1975* Short title  
(2nd Session).

An Act to amend  
The Municipal Act

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*1st Reading*

December 15th, 1975

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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# BILL 48

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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## An Act to amend The Municipal Act

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs

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BILL 48

1975

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 246 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
  - (2a) Subject to sections 357 and 358 and clause *a* of this subsection, the power to regulate a trade, calling, business or occupation or a person carrying on or engaged in a trade, calling, business or occupation and the power to regulate places or things includes the power to regulate the hours of operation of such trade, calling, business, occupation, places or things.
 

s. 246,  
amended

Power to regulate trades, etc., includes power to regulate hours of operation
  - (a) Nothing in this subsection confers the power to regulate the hours of operation of a shop as defined in subsection 1 of section 355.
 

Exception
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Municipal Amendment Act, 1975* (2nd Session).
 

Short title

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An Act to amend  
The Municipal Act

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*1st Reading*

December 15th, 1975

*2nd Reading*

December 17th, 1975

*3rd Reading*

December 18th, 1975

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to prohibit Greyhound Racing**

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MR. GAUNT

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EXPLANATORY NOTE

Self-explanatory.



## An Act to prohibit Greyhound Racing

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "greyhound" means a dog of a species commonly known as greyhound or any cross-breed thereof. Inter-  
pretation
  
2. No person shall promote, organize or conduct a greyhound race for financial gain. a Offence to  
promote, etc.,  
greyhound  
racing
  
3. No person shall enter or permit to be entered a greyhound in a race for financial gain. a Offence  
to enter  
greyhounds  
in races
  
4. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Penalty
  
5. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
  
6. This Act may be cited as *The Greyhound Racing Prohibition Act, 1975 (2nd Session)*. Short title

An Act to prohibit  
Greyhound Racing

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*1st Reading*

December 16th, 1975

*2nd Reading*

*3rd Reading*

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MR. GAUNT

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to amend The Consumer Protection Act**

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MR. ROY

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#### EXPLANATORY NOTE

The purpose of the Bill is to require lenders to answer written requests by borrowers about incorrect accounts within thirty days. A ninety day period would then follow during which the lender could not request payment until the amount owing on the account was settled. Should the creditor fail to correct or explain the error, the amount of the bill would be forfeited if less than \$50. The bill would also allow the borrower to bring a suit for damages where the damages were at least \$100.

## An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 37a,  
enacted

37a.—(1) Where a borrower requests in writing, information concerning his account from a lender who has extended variable credit to him, the lender shall reply to the inquiry within thirty days. Borrower  
may request  
information

(2) Where a request is made to a lender under subsection 1, and the request is with respect to an incorrect billing, the lender shall not request any payment from the borrower until it is determined what the correct amount of the bill should be. No payment  
until amount  
settled

(3) Where a lender fails to explain the reason for an incorrect billing or fails to correct a billing that is in error within ninety days of the request referred to in subsection 1, the amount owing to the lender by the borrower shall be forfeited provided that the amount of the bill is \$50 or less. Amount  
forfeited

(4) Where a lender fails to explain the reason for an incorrect billing or fails to correct a billing that is in error within ninety days of the request referred to in subsection 1, and the amount of the bill is greater than \$50, the borrower is entitled to bring suit for damages in a court of competent jurisdiction where the damages are not less than \$100. Damages

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. This Act may be cited as *The Consumer Protection Amendment Act, 1975 (2nd Session)*. Short title

8711

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An Act to amend  
The Consumer Protection Act

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*1st Reading*

December 16th, 1975

*2nd Reading*

*3rd Reading*

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MR. ROY

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*(Private Member's Bill)*

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1ST SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

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**An Act to limit Mill Rate Increases**

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MR. EATON

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EXPLANATORY NOTE

This Bill limits municipal mill rate or levy increases for 1976 to 8 per cent.



BILL 51

1975

## An Act to limit Mill Rate Increases

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** For the year 1976 no municipality, including a metropolitan, regional or district municipality, shall increase its mill rate or levy by more than 8 per cent of the total mill rate or levy which applied to that municipality in 1975. Limitation  
re mill  
rate or  
levy  
increase

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Property Tax Limitation Act, 1975 (2nd Session)*. Short title

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An Act to limit  
Mill Rate Increases

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*1st Reading*

December 17th, 1975

*2nd Reading*

*3rd Reading*

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MR. EATON

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*(Private Member's Bill)*

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2ND SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1976

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**An Act respecting the Metropolitan  
Toronto Boards of Education and Teachers Disputes**

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THE HON. T. L. WELLS  
Minister of Education

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T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill provides for the settlement of all matters remaining in dispute between the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers and requires the teachers to return to and resume their employment with the boards and the boards to resume the employment of the teachers and to resume the normal operation of their schools.

## BILL 1

1976

## An Act respecting the Metropolitan Toronto Boards of Education and Teachers Disputes

**W**HEREAS the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers have been negotiating terms and conditions of employment; and whereas strikes by the teachers against the boards of education have continued since the 12th day of November, 1975; and whereas some of the boards of education have locked out the teachers employed by them; and whereas the boards of education and their secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strikes and lock-outs will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties, that the boards of education terminate the lock-outs and that means be found for the settlement of the matters in dispute between the boards of education and their secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

(a) “arbitrator” means the arbitrator appointed under this Act;

(b) “boards of education” means,

(i) The Board of Education for the Borough of East York,

(ii) The Board of Education for the Borough of Etobicoke,

- (iii) The Board of Education for the Borough of North York,
- (iv) The Board of Education for the Borough of Scarborough,
- (v) The Board of Education for the City of Toronto, and
- (vi) The Board of Education for the Borough of York,

or any of them ;

(c) "branch affiliates" means,

- (i) the organization composed of all the teachers employed by The Board of Education for the Borough of East York who are members of The Ontario Secondary School Teachers' Federation,
- (ii) the organization composed of all the teachers employed by The Board of Education for the Borough of Etobicoke who are members of The Ontario Secondary School Teachers' Federation,
- (iii) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of L'Association des Enseignants Franco-Ontariens ;
- (iv) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of The Ontario Secondary School Teachers' Federation,
- (v) the organization composed of all the teachers employed by The Board of Education for the Borough of Scarborough who are members of The Ontario Secondary School Teachers' Federation,
- (vi) the organization composed of all the teachers employed by The Board of Education for the City of Toronto who are members of The Ontario Secondary School Teachers' Federation, and

(vii) the organization composed of all the teachers employed by the Board of Education for the Borough of York who are members of The Ontario Secondary School Teachers' Federation,

or any of them;

(d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, c. 72

(e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(f) "parties" means the boards of education and the branch affiliates;

(g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the boards of education.

2.—(1) The teachers who are on strike against the boards of education shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the boards of education, and the boards of education shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and open and resume the normal operation of the schools in which the teachers are employed.

Resumption  
of  
employment  
and  
operation  
of  
schools

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against a board of education and no board of education shall lock out a teacher.

Strike or  
lock-out

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario

Instructional  
days

Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the boards of education as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception (4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with a board of education for reasons of health or by mutual consent in writing of the teacher and the board of education.

Arbitration 3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act.

Appointment of arbitrator (2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Costs of arbitration (3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines.

Notices of matters remaining in dispute (4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

Procedure (5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision.

Application of 1975, c. 72 (6) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers.

Term of agreement 4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters



agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on the 31st day of August, 1977.

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>Time for report of arbitrator 1975, c. 72</sup> the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission.

**5.**—(1) Every teacher, party or board that contravenes<sup>Offences</sup> any provision of this Act is guilty of an offence.

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>Idem</sup> respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

**6.** This Act comes into force on the day it receives Royal<sup>Commence-ment</sup> Assent.

**7.** This Act may be cited as *The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976*.<sup>Short title</sup>

An Act respecting the Metropolitan  
Toronto Boards of Education  
and Teachers Disputes

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*1st Reading*

January 15th, 1976

*2nd Reading*

*3rd Reading*

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THE HON. T. I. WELLS  
Minister of Education

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*(Government Bill)*

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2ND SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1976

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**An Act respecting the Metropolitan  
Toronto Boards of Education and Teachers Disputes**

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THE HON. T. L. WELLS  
Minister of Education

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTE

The Bill provides for the settlement of all matters remaining in dispute between the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers and requires the teachers to return to and resume their employment with the boards and the boards to resume the employment of the teachers and to resume the normal operation of their schools.

BILL 1

1976

## An Act respecting the Metropolitan Toronto Boards of Education and Teachers Disputes

**W**HEREAS the boards of education in The Municipality <sup>Preamble</sup> of Metropolitan Toronto and their secondary school teachers have been negotiating terms and conditions of employment; and whereas strikes by the teachers against the boards of education have continued since the 12th day of November, 1975; and whereas some of the boards of education have locked out the teachers employed by them; and whereas the boards of education and their secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strikes and lock-outs will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties, that the boards of education terminate the lock-outs and that means be found for the settlement of the matters in dispute between the boards of education and their secondary school teachers;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "boards of education" means,
  - (i) The Board of Education for the Borough of East York,
  - (ii) The Board of Education for the Borough of Etobicoke,

- (iii) The Board of Education for the Borough of North York,
  - (iv) The Board of Education for the Borough of Scarborough,
  - (v) The Board of Education for the City of Toronto,
  - (vi) The Board of Education for the Borough of York, and
  - (vii) The Metropolitan Toronto School Board,
- or any of them;

(c) "branch affiliates" means,

- (i) the organization composed of all the teachers employed by The Board of Education for the Borough of East York who are members of The Ontario Secondary School Teachers' Federation,
- (ii) the organization composed of all the teachers employed by The Board of Education for the Borough of Etobicoke who are members of The Ontario Secondary School Teachers' Federation,
- (iii) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of L'Association des Enseignants Franco-Ontariens;
- (iv) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of The Ontario Secondary School Teachers' Federation,
- (v) the organization composed of all the teachers employed by The Board of Education for the Borough of Scarborough who are members of The Ontario Secondary School Teachers' Federation,
- (vi) the organization composed of all the teachers employed by The Board of Education for the City of Toronto who are members of The Ontario Secondary School Teachers' Federation, and

(vii) the organization composed of all the teachers employed by the Board of Education for the Borough of York who are members of The Ontario Secondary School Teachers' Federation,

or any of them;

(d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, c. 72;

(e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(f) "parties" means the boards of education and the branch affiliates;

(g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the boards of education.

2.—(1) The teachers who are on strike against the boards of education shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the boards of education, and the boards of education shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and open and resume the normal operation of the schools in which the teachers are employed.

Resumption  
of  
employment  
and  
operation  
of schools

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against a board of education and no board of education shall lock out a teacher.

Strike or  
lock-out

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario

Instructional  
days

Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the boards of education as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception (4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with a board of education for reasons of health or by mutual consent in writing of the teacher and the board of education.

Arbitration 3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act.

1975, c. 72

Appointment of arbitrator (2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Costs of arbitration (3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines.

Notices of matters remaining in dispute (4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

Procedure (5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision.

Application of 1975, c. 72 (6) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers.

Term of agreement 4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters



agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on a date not later than the 31st day of August, 1977.

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>Time for report of arbitrator 1975, c. 72</sup> the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission.

**5.—**(1) Every teacher, party or board of education that contravenes any provision of this Act is guilty of an offence.<sup>Offences</sup>

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>Idem</sup> respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

**6.** This Act comes into force on the day it receives Royal Assent.<sup>Commencement</sup>

**7.** This Act may be cited as *The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976.*<sup>Short title</sup>

An Act respecting the Metropolitan  
Toronto Boards of Education  
and Teachers Disputes

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*1st Reading*

January 15th, 1976

*2nd Reading*

January 16th, 1976

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Education

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 1**

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2ND SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1976

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**An Act respecting the Metropolitan  
Toronto Boards of Education and Teachers Disputes**

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THE HON. T. L. WELLS  
Minister of Education

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BILL 1

1976

## An Act respecting the Metropolitan Toronto Boards of Education and Teachers Disputes

**W**HEREAS the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers have been negotiating terms and conditions of employment; and whereas strikes by the teachers against the boards of education have continued since the 12th day of November, 1975; and whereas some of the boards of education have locked out the teachers employed by them; and whereas the boards of education and their secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strikes and lock-outs will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties, that the boards of education terminate the lock-outs and that means be found for the settlement of the matters in dispute between the boards of education and their secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "boards of education" means,
  - (i) The Board of Education for the Borough of East York,
  - (ii) The Board of Education for the Borough of Etobicoke,

- (iii) The Board of Education for the Borough of North York,
- (iv) The Board of Education for the Borough of Scarborough,
- (v) The Board of Education for the City of Toronto,
- (vi) The Board of Education for the Borough of York, and
- (vii) The Metropolitan Toronto School Board,

or any of them ;

(c) "branch affiliates" means,

- (i) the organization composed of all the teachers employed by The Board of Education for the Borough of East York who are members of The Ontario Secondary School Teachers' Federation,
- (ii) the organization composed of all the teachers employed by The Board of Education, for the Borough of Etobicoke who are members of The Ontario Secondary School Teachers' Federation,
- (iii) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of L'Association des Enseignants Franco-Ontariens ;
- (iv) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of The Ontario Secondary School Teachers' Federation,
- (v) the organization composed of all the teachers employed by The Board of Education for the Borough of Scarborough who are members of The Ontario Secondary School Teachers' Federation,
- (vi) the organization composed of all the teachers employed by The Board of Education for the City of Toronto who are members of The Ontario Secondary School Teachers' Federation, and

(vii) the organization composed of all the teachers employed by the Board of Education for the Borough of York who are members of The Ontario Secondary School Teachers' Federation,

or any of them;

- (d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*; <sup>1975, c. 72</sup>
- (e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (f) "parties" means the boards of education and the branch affiliates;
- (g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the boards of education.

2.—(1) The teachers who are on strike against the boards of education shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the boards of education, and the boards of education shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and open and resume the normal operation of the schools in which the teachers are employed. <sup>Resumption of employment and operation of schools</sup>

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against a board of education and no board of education shall lock out a teacher. <sup>Strike or lock-out</sup>

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario <sup>Instructional days</sup>

Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the boards of education as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception (4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with a board of education for reasons of health or by mutual consent in writing of the teacher and the board of education.

Arbitration 3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act.

1975, c. 72

Appointment of arbitrator (2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Costs of arbitration (3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines.

Notices of matters remaining in dispute (4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

Procedure (5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision.

Application of 1975, c. 72 (6) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers.

Term of agreement 4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters



agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on a date not later than the 31st day of August, 1977.

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>Time for report of arbitrator 1975, c. 72</sup> the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission.

**5.**—(1) Every teacher, party or board of education that<sup>Offences</sup> contravenes any provision of this Act is guilty of an offence.

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*,<sup>idem</sup> respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

**6.** This Act comes into force on the day it receives Royal<sup>Commence-ment</sup> Assent.

**7.** This Act may be cited as *The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976*.<sup>Short title</sup>

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An Act respecting the Metropolitan  
Toronto Boards of Education  
and Teachers Disputes

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*1st Reading*

January 15th, 1976

*2nd Reading*

January 16th, 1976

*3rd Reading*

January 16th, 1976

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THE HON. T. I. WELLS  
Minister of Education

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**BILL 2**

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2ND SESSION, 30TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1976

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**An Act to amend  
The Residential Premises Rent Review Act,  
1975 (2nd Session)**

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THE HON. J. R. RHODES  
Minister of Housing

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BILL 2

1976

**An Act to amend  
The Residential Premises Rent Review Act,  
1975 (2nd Session)**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 4 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is amended by striking out “within sixty days of the day this Act receives Royal Assent” in the sixth and seventh lines and inserting in lieu thereof “on or before the 29th day of February, 1976”. s. 4 (2),  
amended
- (2) Subsection 7 of the said section 4 is amended by striking out “31st day of January” in the ninth line and inserting in lieu thereof “29th day of February”. s. 4 (7),  
amended
- (3) Subsection 8 of the said section 4 is amended by striking out “31st day of January” in the ninth and tenth lines and inserting in lieu thereof “29th day of February”. s. 4 (8),  
amended
- 2.—(1) Subsection 3 of section 5 of the said Act is amended by striking out “29th day of February” in the fourteenth line and inserting in lieu thereof “30th day of April” and by striking out “31st day of January” in the fifteenth line and inserting in lieu thereof “29th day of February”, and by adding at the end thereof “provided that where rent has been determined pursuant to an application made under this subsection or under clause *b* of subsection 5, or on an appeal therefrom, the rent so determined shall remain in force for a period of not less than twelve months”. s. 5 (3),  
amended
- (2) Subsection 4 of the said section 5 is amended by striking out “31st day of January” in the twelfth line and inserting in lieu thereof “29th day of February”. s. 5 (4),  
amended
- (3) Subsection 8 of the said section 5 is repealed and the following substituted therefor: s. 5 (8),  
re-enacted

Notice  
of  
hearing

(8) The Rent Review Officer shall, within thirty clear days of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application.

Commence-  
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Residential Premises Rent Review Amendment Act, 1976*.









An Act to amend  
The Residential Premises Rent Review  
Act, 1975 (2nd Session)

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*1st Reading*

January 16th, 1976

*2nd Reading*

January 16th, 1976

*3rd Reading*

January 16th, 1976

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THE HON. J. R. RHODES  
Minister of Housing

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